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Twenty-Eighth Annual Report

OF THE

ONTARIO MUNICIPAL BOARD

To December 31st, 1933

PRESENTED TO THE LEGISLATIVE ASSEMBLY
BY COMMAND

ONTARIO

TORONTO
Printed and Published by the Printer to the King's Most Excellent Majesty
1934

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SESSIONAL PAPER No. 24, 1934

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To Colonel, The Honourable Herbert A. Bruce,
Lieutenant-Governor of the Province of Ontario, in Council.

May It Please Your Honour:

The undersigned has the honour to transmit herewith the Twenty-eighth Report of The Ontario Municipal Board for the year ending December 31st, 1933.

Respectfully submitted,

William H. Price,
Attorney-General.

Parliament Buildings,
Toronto, March 23rd, 1934.

Parliament Buildings,
Toronto, March 7th, 1934.

DEAR SIR:

I have the honour to send you herewith the Twenty-eighth Annual Report of The Ontario Municipal Board to December 31st, 1933.

I have the honour to be,

Your obedient servant,
H. C. SMALL,
Secretary.

The Honourable the Attorney-General,
Parliament Buildings,
Toronto.

ORGANIZATION

The Organization of The Ontario Municipal Board of the Province of Ontario is as follows:

C. R. McKeown, K.C. ..... *Chairman*
J. A. Ellis ..... *Vice-Chairman*
H. L. Cummings ..... *Commissioner*
H. C. Small ..... *Secretary*
F. Dagger ..... *Supervisor of Telephone Systems*
J. A. McDonald ..... *Inspector of Telephone Service*
E. A. Crosland ..... *Inspector of Street and Radial Railways*

TWENTY-EIGHTH ANNUAL REPORT

OF THE

Ontario Municipal Board

To December 31st, 1933

In pursuance of Section 162 of "The Ontario Municipal Board Act, 1932," The Ontario Municipal Board beg leave respectfully to submit their Twenty-eighth Annual Report.

Sittings of the Board

The Board held meetings for the transaction of routine business every juridical day throughout the year. The record of the sessions of the Board and an abstract of the proceedings, together with the Judgments and Opinions of the Board, appear in the Appendix.

In this connection it should be stated that about 80 per cent. of the Board's work is not conducted at formal sessions of the Board shown in the abstract of proceedings above mentioned. This office work of the Board is transacted usually upon written applications and not in the way of formal hearing of parties interested. A classified abstract of the office work of the Board disposed of in the way of formal applications without formally hearing the parties, will be found in the Appendix. In addition to this there is the usual office work of considering and replying to enquiries and other routine correspondence. A short reference is hereafter made, under different sub-headings, of the applications dealt with by the Board *ex parte* or without a formal hearing of the parties interested.

Applications to the Board

There were 504 formal applications made to the Board in 1933. Of the formal applications all those in which the parties were ready to go to trial have been heard and disposed of, except in a few cases where adjournments were granted to the parties at the request of Counsel or in order to procure further evidence or to obtain reports from experts in connection with technical matters in question.

Some of the formal applications are still standing for trial, as in the more important matters the parties interested are showing an increasing disposition to take advantage of the opportunities afforded them by the Board's rules for obtaining discovery and production, thus, to some extent, delaying the final dates of the hearing of the applications, but in reality facilitating the final disposition at the hearings of all the matters in question between the parties.

Law Stamps

The amount of revenue collected by the Board in Law Stamps, in the year 1933 was $6,935.50. In 1928 the amount collected was $6,167.60; in 1929, $6,935.50; in 1930, $10,859.50; in 1931, $8,739.50; and in 1932, $9,033.00.

Provincial Railways

An alphabetical list (under the names of the railway systems affected) of applications to the Board during 1933 affecting Provincial Railways, is contained in the Appendix to this Report.

Extensions of and improvements to Provincial Railways during 1933, as reported to the Board, will be found in the Appendix (arranged alphabetically) under the names of the several Systems reporting.

A tabulation (arranged alphabetically) of railways under the Board's jurisdiction will be found in the Appendix.

Reports to the House

In pursuance of Section 51, Chapter 27, Ontario Statutes, 1932, the Board made enquiry into and reported upon two Bills which were introduced last Session into the Legislature.

Annexations of Territory

There were two applications made in 1933 by urban Municipalities for annexation of additional territory thereto. An alphabetical list of these annexation applications is contained in the Appendix.

Validation of Municipal Debentures

(Part V of Chapter 27, Ontario Statutes, 1932)

There were 64 applications in 1933 to the Board under the above legislation, involving debentures of a total value of $4,236,435.39. Acting under the powers conferred by such legislation, the Board was able to grant relief in nearly all of these cases, included in which were forty-five by-laws affected by irregularities which would otherwise have probably required special Acts of the Legislature to make the debentures thereunder valid and saleable.

Municipalities are showing an increasing disposition to have their by-laws and debentures validated under said Part V, even in cases where no irregularities occur requiring the curative powers of the Board, as they have found that such validation facilitates the marketing of their debentures.

The amount of debentures validated by the Board during 1928 was $4,726,726.17; in 1929, $5,762,022.06; in 1930, $11,339,944.85; 1931, $4,801,774.42; and in 1932, $6,568,779.63.

An alphabetical list of these applications filed in 1933 is given in the Appendix, and will be found indexed under the word "Validation."

Floating Indebtedness

(Section 78 (d) of Part V, Chapter 27, Ontario Statutes, 1932)

Since the coming into effect of this legislation on the 29th of March, 1932, seven municipalities in 1932, and twenty-three in 1933, have taken advantage of

same and, with one exception, obtained Orders of the Board authorizing the issue of debentures to take care of their floating indebtedness, thereby saving considerable expense in the obtaining of special Acts of the Legislature, which would otherwise have been necessary.

The total amount of such debentures authorized by the Board in 1932 was $392,927.05, and in 1933, $909,587.79. An alphabetical list of these applications will be found in the Appendix indexed under "Floating Indebtedness."

Unemployment Relief Works

(Section 4, Subsection (2) of The Unemployment Relief Acts (Ontario), 1931 and 1932, and Section 8 of the Act of 1933)

Since the Unemployment Relief Acts (Ontario) came into force on the 2nd day of April, 1931, the 29th March, 1932, and the 18th April, 1933, respectively, the Board, in 1931, considered 74 applications involving debenture issues amounting to $1,383,498; in 1932, 122 applications, involving debenture issues amounting to $3,085,644.84; and in 1933, 27 applications involving debenture issues of $4,594,002 for Unemployment Relief Works and, also under the Act of 1933, 12 applications totalling $2,432,437 for Direct Relief.

Arbitrations

In 1933 the Board officiated as arbitrators in respect of six applications which were made to it under "The Highway Improvement Act" and amendments, and one reference under "The Northern Development Act" and amendments, and one under "The Niagara Parks Act."

Assessment Appeals

There were 47 assessment appeals to the Board during the year 1933. The assessed value of the property affected by these appeals was $24,643,764.00.

Accidents

A tabulated summary of Accident Reports received by the Board from Provincial Railways during the year 1933 appears in the Appendix, and shows that 11 persons were killed and 835 injured during the year.

In 1928, 31 persons were killed and 848 injured; in 1929, 30 persons were killed and 1,017 injured; in 1930, 22 persons were killed and 899 injured; in 1931, 20 persons were killed and 912 injured; and in 1932, 15 persons were killed and 891 injured.

Plans

(Land Subdivisions)

Under "The Planning and Development Act" (Chapter 236, R.S.O. 1927), "The Land Titles Act" (Chapter 158, R.S.O. 1927), Section 110, and "The Registry Act" (Chapter 155, R.S.O. 1927), Section 80, subsections 14 and 18,

the Board considered during the year seventeen applications for approval of plans, deeds of conveyance, etc. An alphabetical list of the owners of property in question in these applications will be found in the Appendix.

Thirty-eight of such applications were considered in 1928, fifty-three in 1929, forty-seven in 1930, thirty-three in 1931, and thirty-three in 1932.

Forms

The Board has (for distribution to parties interested) the following forms and specifications, namely:

(1) The Board's Rules of Practice and Procedure and Practice Forms.

(2) Regulations, Specifications and Forms respecting Railways.

(3) Standard Specifications for Bridges, Viaducts, Trestles or other structures.

(4) Forms under "The Planning and Development Act," with directions for guidance of Applicants thereunder.

(5) Forms for submission of a By-law or question to a poll, under "The Municipal Act."

(6) Form for Money By-law.

(7) Forms of affidavits in support of applications under Part V of "The Ontario Municipal Board Act, 1932."

(8) Preliminary Resolution under Section 8 of "The Local Improvement Act."

(9) Forms for Annual Reports by Railway Systems.

(10) Forms for Reports as to Examination of Motormen.

(11) Forms for Reports of Accidents by Railway Systems.

(12) Regulation as to height of car steps.

(13) Directions for guidance of applicants under Subsection (2) of Section 399 of "The Municipal Act."

(14) Tariff of the Board's Fees.

(15) Memorandum respecting approval of By-laws under The Unemployment Relief Acts (Ontario), 1931, 1932 and 1933.

(16) Pamphlet containing copy of "The Telephone Act," and with information regarding Provincial Telephone Systems, and including

(*a*) Specifications for construction and equipment of telephone systems;

(*b*) Form of By-law providing for the establishment of a telephone system under Part II of "The Telephone Act";

(*c*) Form of By-law providing for the issue of debentures to pay for the cost of establishing a telephone system under Part II of "The Telephone Act";

(*d*) Form of By-law to regulate the management and operation of a telephone system established under Part II of "The Telephone Act";

(*e*) Form of Annual Report to be furnished to the subscribers to a telephone system established under Part II of "The Telephone Act";

(*f*) Sample form of Annual Report and Balance Sheet for telephone companies;

(*g*) Form of Account for use by telephone companies using the "Discount System of Collections";

(*h*) Form of Municipal Debentures—Instalment Plan;

(*i*) Form of Constitution and By-laws for a Telephone Company.

(17) Forms of Petition praying for the establishment or extension of a telephone system under Part II of "The Telephone Act."

(18) Forms of By-laws granting to a telephone company the right to use the highways of a township.

(19) Regulations and specifications for telephone or telegraph wires crossing railways.

(20) Form for Return by Municipality operating a Telephone System.

(21) Form for Return by Company, etc., operating a Telephone System.

(22) Form for Tariff of Tolls for Telephone System.

Extension of Municipal Utilities, &c., Approved under Subsection (2) of Section 399 of "The Municipal Act"

An alphabetical tabulation (under the names of the municipalities) of extensions to public utilities made by municipalities and approved by the Board under the above subsection (2) will be found in the Appendix, and is indexed under the word "Approval."

The total of the debenture issue under these By-laws approved in 1933 amounts to $830,728.00. In 1928 the total debenture issue approved amounted to $1,820,244.87; in 1929, $2,425,528.34; in 1930, $3,884,176.37; in 1931, $3,264,899.06, and $3,222,721.38 in 1932.

Miscellaneous Matters Under the Board's Jurisdiction

A classified analysis of miscellaneous matters dealt with in 1933, under the jurisdiction of the Board, will be found in the Appendix. These include Annexations under "The Municipal Act"; Arbitrations; Assessment Appeals under section 83 of "The Assessment Act"; Financial and other Bills reported to the House under Section 51, Chapter 27, Ontario Statutes, 1932; By-laws approved under Section 78 (*c*) of Chapter 27, Ontario Statutes, 1932; Defaulting Municipalities, Orders respecting, under Part VI of Chapter 27, Ontario Statutes, 1932; Extension of Debenture Issue Period, under Section 296 (11) and (12) of "The Municipal Act"; Fire Halls, Fire Engines, etc., approval of expenditure for, under Section 27 of "The Municipal Amendment Act, 1931 (Chapter 50); Floating Indebtedness, authority to Municipalities to issue debentures to pay under Section 78 (*d*) of Part V of Chapter 27, Ontario Statutes, 1932; Highways, Department of, Claims against—Applications under Section 77*a* of "The Highway Improvement Act; Highways (Narrow) approved under Section 490 (2) of "The Municipal Act"; Increased Borrowings by Municipal Councils, Section 334 (7) of "The Municipal Act" as re-enacted by Section 10 (2), Chapter 27, Ontario Statutes, 1933; Interest Increase and Interest Decrease By-laws, approved under Section 300 of "The Municipal Act"; Lane, Claim for reduction on exemption of assessment of properties for opening of, Section 27*a* of "The Local Improvement Act" as re-enacted by Section 2, Chapter 26, Ontario Statutes, 1933; Legislation (Special), approval of By-laws under; Local Improvements, petitions against, under Section 9 of "The Local Improvement Act"; Local Improvements, approval of the passing of Construction By-laws therefor, under Section 8 of "The Local Improvement Act" as re-enacted by Section 2 of "The Local Improvement Amendment Act, 1932" (Chapter 30); Local Improvements, abandonment of part of work, under Section 18 of "The Local Improvement Act"; Apportionment of Cost of Local Improvement Work, approval of By-laws under Section 26 (3) of "The Local Improvement Act"; "The Ontario Municipal Board Act, 1932"

(Chapter 27), Appeals under Sections 93 and 106 (2); Parks, setting aside part of for athletic purposes, Section 12 of "The Public Parks Act" (Chapter 248, R.S.O. 1927); "The Power Commission Act," Section 24 (Chapter 57, R.S.O. 1927, as enacted by Chapter 13, Section 3, Ontario Statutues, 1931), respecting Public Utilities; Repeal of Money By-laws as to residue not raised, Section 301 (2) of "The Municipal Act"; Restrictions as to use of land or buildings, etc., approval of, under Section 398 of "The Municipal Act"; Sinking Funds, approval of By-laws for investment of, under Section 317 of "The Municipal Act"; Sterling, Issue of debentures in, Section 296 (*a*) of "The Municipal Act" as enacted by Section 8, Chapter 37, Ontario Statutes, 1933; Tax Rate, approval of further debt, etc., under Section 306 (2) of "The Municipal Act"; The Unemployment Relief Acts (Ontario), 1931, 1932, and 1933; Weigh Scales and Weighing of Coal, etc., Section 400 (11) of "The Municipal Act"; and Works ordered by Dominion and Ontario Railway Boards, approval of By-laws for, under Section 297 (2) (*f*) of "The Municipal Act."

Public Utilities

Applications respecting Public Utilities will be found in the Appendix, indexed under the names of the Parties thereto.

H. C. Small,
Secretary.

REPORT OF THE SUPERVISOR OF TELEPHONE SYSTEMS FOR THE YEAR 1933

The following applications under the provisions of "The Telephone Act" were dealt with by the Board in 1933:

Under Section 7:	For authority to issue debentures for extensions and improvements to telephone systems under Part I	1
Under Section 19:	For the approval of municipal by-laws providing for the establishment of telephone systems	1
Under Section 20:	For an extension of the period in which to repay the debenture debt to meet the cost of establishing a telephone system	1
Under Section 24:	For the approval of municipal debenture by-laws to meet the cost of establishing or extending telephone systems	9
Under Section 31:	For the approval of the purchase of an existing telephone system by a municipality or any portion thereof	5
Under Section 57:	For the approval of the by-laws of a municipal telephone system	1
Under Section 59:	For an Order prescribing the date for holding the annual meeting of subscribers	12
Under Section 80:	For the approval of municipal by-laws granting the right to erect poles and wires upon the highways	5
Under Section 88:	For the approval of by-laws of a telephone company	9
Under Section 90:	For an Order requiring certain alterations to a telephone system to ensure the provision of an efficient service	2
Under Section 93:	For the consent to erection of poles and wires parallel with existing lines	3
Under Section 97:	For the approval of agreements providing for interchange of service	19
Under Section 98:	For an Order fixing terms and conditions for interchange of service	1
Under Section 102:	For the approval of the sale of telephone systems	2
Under Section 103:	For authority to increase the charges for telephone service	5
Under Section 105:	For authority to furnish free telephone service	1
Under Section 109:	For an Order re maintenance of reserve for depreciation	6
Under Section 110:	For authority to expend a portion of the moneys set aside for depreciation upon new construction or extensions or in the purchase of securities	7
Under Section 111:	For authority to issue stock and bonds	3
Under Section 119:	For an Order requiring surrender of books, etc., by retiring Secretary-Treasurer	1
Under Section 125:	Complaint as to breach of Companies Act in respect of procedure at annual meeting of shareholders	1
	Total number of applications	95

The continued policy of the Board in endeavouring to secure an amicable settlement of matters in dispute between the applicant and respondent has, with the assistance of the Board's Supervisor, proved successful in the majority of such cases.

In addition to the applications and complaints referred to, a vast amount of correspondence relating to telephone matters has been dealt with by the Board's Supervisor, through the medium of which much information and assistance has been given to municipalities, companies and other persons interested, and many difficulties which might otherwise have necessitated a formal application and public hearing have been satisfactorily adjusted.

A number of points were visited by the Board's Inspector of Telephone Service during the year for the purpose of investigating complaints made by subscribers, and upon his report and recommendation the Board has been enabled to secure considerable improvement in the telephone service furnished by the systems coming under his observation.

The following changes in the ownership of telephone systems were made during the year:

Lillie May Watt purchased the system of The East Luther Telephone Company, Limited, comprising 376 telephones.

The Municipal Corporation of the Township of Cumberland acquired the system of The Russel Rural Telephone Company, Limited, comprising 291 telephones. This system is now being operated under Part II of "The Telephone Act."

Sydney F. Arden purchased from Gordon Ross Phillips, Administrator of the Estate of Celia May Bryan, deceased, the system operating as The Stormont Telephone Company, comprising fifty telephones.

The Rama Mara Telephone Company, Limited, acquired the system of The Atherley Telephone Association, Limited, comprising four telephones.

There was a decrease in the number of telephones in service of 47.79 or 4.4 per cent. of the total stations in operation on December 31st, 1932, as compared with a loss of 6,055, or 5.3 per cent. in 1932. Statistics furnished by The Bell Telephone Company of Canada, Limited, show a decrease in Ontario for that Company in 1933 of 5.8 per cent. as compared with 8 per cent. in 1932.

The number of telephone systems within the jurisdiction of Ontario of which the Board has record is 606 operating 103,158 telephones, 33,987 miles of pole lead carrying 186,627 miles of wire and representing an investment of $10,250,318.

There are eleven systems owned and operated by municipalities under the provisions of Part I of the Act, viz.: The Cities of Fort William and Port Arthur, the Towns of Cochrane, Dryden, Fort Frances, Kenora, Keewatin and Rainy River, and the Townships of Alberton, Caledon and Hilliard.

One hundred and twenty-one systems are now established and operating under Part II of the Act and furnishing service in 276 towns, villages and townships.

In addition to the before-mentioned systems the Forestry Branch of the Department of Lands and Forests is operating an extensive system in connection with its work of fire prevention. This system comprises 607 telephone stations, 2,421 miles of pole lead and tree attachments and 4,636 miles of wire, the total investment being $283,792.

Detailed statistics and other information relative to these systems will be found in the Appendix to this report entitled "Telephone Systems, 1934."

FRANCIS DAGGER,
Supervisor of Telephone Systems.

APPENDIX

Procedure File A-2875

Application by the City of Toronto, under Section 398 of "The Municipal Act," for approval of its By-law Number 12665, being a By-law to prohibit the use of land or the erection or use of buildings for any other purpose than that of a private detached residence or a single or double duplex dwelling on a portion of Avenue Road, north of Roselawn Avenue.

April 26th. Hearing continued, 10.30 A.M.; 11.40 A.M. to 12.20 P.M. Adjourned to Tuesday, October 31st, 1933, at 10.30 A.M.

October 31st. Hearing continued, 10.30 to 10.45 A.M. Application granted, Applicant's Solicitor to draft Order.

November 3rd. Draft Order filed.

November 3rd. Order issued.

October 31st, 1933.

Order

The application of the Corporation of the City of Toronto, pursuant to Section 398 of "The Municipal Act," being R.S.O. 1927, Chapter 233, for approval of its said By-law Number 12665, having come on for hearing by appointment before this Board on the 24th day of June, 1930, in the presence of a number of property owners affected and their Counsel, and having been adjourned till and further heard successively on the 30th day of September, the 14th day of October, the 20th day of November, and the 19th day of December, 1930, the 17th day of February, and the 19th day of March, 1931, and on the 26th day of April, 1933, and on this day in the presence of such property owners affected and their Counsel as appeared from time to time before the Board, the Board having heard read the By-law and the other material filed including affidavits proving service of all notices as required by the said Statute, and having heard the evidence adduced and what was alleged by all persons before the Board.

The Board orders, under and in pursuance of Section 398, Subsection (*2b*), of "The Municipal Act," R.S.O. 1927, Chapter 233, that By-law Number 12665 of the Corporation of the City of Toronto, being intituled "A By-law to prohibit the use of land or the erection or use of buildings for any other purpose than that of a private detached residence or a single or double duplex dwelling on a portion of Avenue Road, north of Roselawn Avenue," be and the same is hereby approved.

(Sgd.) C. R. McKeown,
(Seal) *Chairman.*

Procedure File A-3170

In the matter of Sections 59 and 77*a* of "The Highway Improvement Act."

Between:

The Toronto General Trusts Corporation, Executor and Trustee of the Estate of Alice Roy Sweny, deceased,

Claimant,

—and—

His Majesty the King, in right of the Province of Ontario, represented by the Minister of Highways for the Province of Ontario,

Respondent.

June 23rd. Subpoena (d.t.) issued to Claimant's Solicitors.

June 26th. Hearing, 10.30 A.M. to 4 P.M., at the Board's Chambers. Adjourned to 10 A.M. to-morrow.

June 27th. Hearing continued, 10 A.M. to 4 P.M. Adjourned to to-morrow at 10 A.M.

June 28th. Hearing continued, 10 A.M. to 4.30 P.M. Adjourned to July 5th, 1933, at 10 A.M.

July 5th. Hearing continued, 10 A.M. to 4.30 P.M. Adjourned to to-morrow at 10 A.M.

July 6th. Hearing continued, 10 A.M. to 4.25 P.M. Adjourned to to-morrow at 10 A.M.

July 7th. Hearing continued, 10 A.M. to 12 MD. Argument concluded. Judgment reserved.

August 18th. Award issued.

December 4th. Motion for Leave to Appeal dismissed with costs by Court of Appeal (see *Globe*, December 5th, 1933).

Award

To all to whom these Presents shall come:
The Ontario Municipal Board sends greeting.

The Claimant in its representative capacity as Executor and Trustee of the Estate of Alice Roy Sweny, deceased on the 23rd December, 1927, was the owner of a property in what is known as "Hogg's Hollow" in the Don Valley, in the Township of North York, consisting of 104 acres.

The property consisted of lands lying in the valley itself and of the hillsides on either side of the Don River. Part of the lands in the valley bottom were in a state of cultivation, but apart from that the property remained in its natural state, being well wooded on both slopes, which in places are somewhat precipitous. The river meandered through the property on a tortuous course from the westerly to the easterly limit.

For some years prior to 1928 the property was occupied by a tenant of the estate who farmed it and in addition took and sold gravel from the river channel. On the property were some old frame farm buildings and a disused mill.

The property itself is situate on Yonge Street about one and a quarter miles north of the City limits of Toronto, and runs westerly from Yonge Street. Vehicular entrance was obtained by means of what is known as the Old Mill Road entering from Yonge Street through the Carsson property and thence to the Claimant's lands. This road is but a narrow wagon road, gravelled in places, and at the point where it left Yonge Street an electric radial line had to be crossed and a fairly steep downward grade negotiated to the Don River, which was crossed by a narrow plank bridge at approximately the boundary between the Carsson and the Claimant's property. From thence the wagon road proceeded along the floor of the valley to the westerly limit of the property.

On the south the property was principally abutted by the Carsson property in the valley, and on the heights by the subdivided area known as "Armour Heights," on the north by the McCabe property and by the subdivided lands known as "Kensington." The easterly boundary was Yonge Street, and the westerly boundary was also "Armour Heights."

On the 23rd December, 1927, the Ontario Department of Highways expropriated for the Respondent from the Claimant 4.186 acres of the Sweny property,

taking in so doing a strip of land across the property from the south limit to the north limit, and on a diagonal course through the same. The expropriated strip varied in width from 200 feet at and near the top of the southerly slope to a lesser width of ninety feet across the valley floor and up the northerly slope where the width increased to approximately 670 feet.

Upon and over the expropriated lands the Respondent constructed the highway viaduct known as "Hogg's Hollow Bridge," which connected the extension of Avenue Road known as Yonge Boulevard with Yonge Street, as part of the system of The King's Highways under the control of the Ontario Department of Highways.

The expropriation itself effected a complete severance of the Claimant's property, leaving approximately thirty acres to the east and seventy acres to the west thereof. The viaduct, which is of steel and concrete, is supported by abutments and a series of piers built upon the expropriated parcel, and the southerly approach was made of a "fill" to bring the ground up to the level of the bridge floor which is about 100 feet above the valley bottom.

After the building of the viaduct it was and still is possible in fact to pass thereunder along the floor of the valley across the expropriated parcel by way of the wagon road, and to that extent there was no physical deprivation of access between the lands east of the expropriated parcel and those lying westerly therefrom.

The Claimant having made claim for compensation from the Respondent for the value of the lands taken and for damages, the claim in an amended form came before this Board for determination on the 26th June, 1933, and the hearing of evidence and argument occupied five and one-half days.

The claim heard by the Board was:

For the expropriated lands and for damages for injurious affection and severance $70,000.00

The Respondent had offered in settlement of all claims:

For the expropriated lands and for damages for injurious affection $7,500.00

The Claimant through its witnesses tendered evidence to establish that the Sweny family had held the property for many years at not less than $150,000, which price the Claimant itself had also asked. The whole of the Claimant's evidence was directed to establish that the property by reason of its unique character and location was well adapted to be laid out in plots of small acreage as sites for homes for the wealthier classes to some of whom property of such a character would appeal as offering opportunities for landscaped gardens, beautiful views, and a measure of seclusion at a point very close to the City. To this end a suggested plan of such a layout and development was presented by the Claimant's witnesses (see Exhibit 7).

Comparisons were made for the Claimant with properties said to be somewhat similar in character which had been developed in the environs of Toronto. These included St. Andrews Estates, Bayview Heights, Donwoods and the Boultbee properties.

The three valuators called for the Claimant placed a minimum value on the property of $1,000 per acre or a round figure of $100,000 as the value which the property had at the date of expropriation.

The Claimant then rested its case upon allegations that by reason of the expropriation and severance and the erection and maintenance of the viaduct the character of the property had been wholly changed, that the opportunity for development in the manner above indicated had totally and permanently disappeared, and the property rendered of comparatively little value, the valuators placing the value at $30,000.00, or a depreciation of $70,000.00 consequent upon the Respondent's undertaking.

The valuators for the Respondent on the other hand scoffed at the development upon which the Claimant's experts dwelt, characterizing it as if it were but a pipe dream. These experts in their turn said the property was suitable only for a park if the City of Toronto or some other municipality could be found willing to purchase it. Otherwise in the course of time the only other development at all possible would be for a cheap class of subdivision, about the success of which they were, however, quite dubious.

The valuators for the Respondent placed a value of about $600.00 per acre on the property or a round sum of $60,000. One of these valuators by a different method of computation increased the value to nearly $70,000.00. They stated as their opinion that the erection and maintenance of the viaduct occasioned damage to about fifteen acres in close proximity to it and from whence it was visible. That the balance of the property to the west was not affected by the viaduct because generally speaking it was not visible. The depreciation actually occasioned was 50 per cent. of the value at $600.00 per acre of the fifteen acres affected, or a sum of $4,500.00.

In the result the main issues between the two contestants may fairly be stated in the following questions:

1. Was the property adapted for and capable of a high-class development or only for park or a cheap class of development?
2. Was the property worth $100,000 or $60,000 to $70,000?
3. Has the expropriation, severance and injurious affection depreciated in value the whole property or only fifteen acres in proximity to the viaduct?
4. Is the amount of the depreciation $70,000 or $4,500.00?

In addition to hearing the witnesses and observing their demeanor, examining the useful exhibits and having the valuable assistance of experienced counsel, the members of the Board have had the opportunity of inspecting the property so as more accurately to appreciate its character, extent and location, and to observe the viaduct and its relation to the property, and thus it is comparatively easy to come to definite conclusions upon the main issues and to make the following findings of fact:

1. The Sweny property was adapted for and capable of a high-class development of a character such as was stressed by the Claimant's witnesses, but that the opportune time for such a development on a basis profitable to the promoter had not been reached in 1927, and there being insufficient evidence to satisfy the Board that there would be any market for such a development within a reasonably near future after 1927, the value of the property for such a purpose was speculative.

2. The expropriation and the severance and injurious affection prejudicially affected any high-class development of the property, such affection being greatest in the areas in the vicinity of the viaduct, and from which it is visible and gradually diminishing to the west.

3. The property as a whole had on the 23rd December, 1927, a value, including the then present value of any potential development or use of the property, of $800.00 per acre, or a total value to be placed at $83,000.00.

4. The value of the parcel expropriated had at the date of expropriation a value of $800.00 per acre, or a total value of $3,350.00, to which should be added a further 10 per cent. for forcible taking, making a total of $3,685.00.

5. The severance occasioned by the expropriation damaged the remainder of the Claimant's property, and the expropriation and the erection and maintenance of the viaduct have injuriously affected it. It is difficult, if not impossible, to make any separate findings upon the matters of severance and injurious affection, particularly in terms of money.

6. While the area in closest proximity to the viaduct is injuriously affected to the greatest degree, the property as a whole was so affected particularly having regard to any high-class development which might have proceeded. Averaging the damage occasioned by the severance and injurious affection over the whole of the one hundred acres remaining to the Claimant, the same is found to be 12½ per cent. of the value thereof, or a total sum of $10,000.00.

7. The total amount to which the Claimant is entitled is:

For the land expropriated	$3,685.00
For severance and injurious affection	10,000.00
	$13,685.00

8. At the last minute the Respondent, pursuant to the powers conferred by "The Public Works Act," filed two undertakings by way of mitigation of damage:

(*a*) The one which grants certain rights of way, etc., across the expropriated parcel on the valley floor, so that some of the effects of the severance are thereby overcome. While this undertaking in the form of a grant does assist the Claimant in the future use of the property as a whole, the effect of the severance is not thereby altogether removed, and the findings which have been made have proceeded upon that basis. In the absence of such an undertaking the damages would have to be materially increased.

(*b*) The other undertaking is intended to restore to the Claimant part of the lands taken for the southerly approach to the viaduct, but no longer required therefor if the fill put therein is not disturbed. The peculiar nature and phraseology of the document filed makes it impossible to permit of any mitigation in the amount to be ordered paid either for the expropriation or for the elements of damage. But it has been taken into account, and the findings are based upon the fact that it is intended by the Respondent that the Claimant is to actually regain title to the lands described in this undertaking subject to what is tantamount to a right in the Respondent to have the highway occupying the remaining one hundred feet in width supported either by the existing fill, or in some other manner if the Claimant utilizes the lands restored to it.

9. It is assumed that the Claimant will also receive interest at 5 per cent. per annum upon the amount of $13,685.00 from the 23rd December, 1927, to the date of payment, and the Claimant should have its costs of the proceedings, to be taxed upon the Supreme Court scale.

The costs payable to The Ontario Municipal Board to be paid in Law Stamps, amounting to $85.00.

In witness whereof the members of The Ontario Municipal Board have hereto set their hands, and have caused to be affixed the seal of the Board this Eighteenth day of August, A.D. 1933, at the City of Toronto, in the Province of Ontario.

(Sgd.) C. R. McKeown,
Chairman.

(Sgd.) J. A. Ellis,
Vice-Chairman.

(Sgd.) Herbert L. Cummings,
Commissioner.

Procedure File A-3271

In the matter of "The Walkerville-East Windsor Water Commission Act, 1930," and

In the matter of an Appeal under Section 19, Subsection (1) thereof.

Between:

The Corporation of the Town of Riverside,
Appellant,

—and—

The Walkerville-East Windsor Water Commission,
Respondent.

(Adoption of New Schedule of Water Rates.)

May 7th. Hearing continued, 10.30 a.m.; 10.40 to 11.40 a.m., for Return of Notice of Motion, pursuant to arrangement. Counsel for Appellant may file and serve authorities; Respondent to have right to reply thereto. Judgment on Motion reserved one week.

June 15th. Hearing, at request of Counsel, postponed *sine die.*

Procedure File A-3303

In the matter of "The Walkerville-East Windsor Water Commission Act, 1930," and

In the matter of an Appeal under Section 19, Subsection (1), thereof.

Between:

The Corporation of the Township of Sandwich East,
Appellant,

—and—

The Walkerville-East Windsor Water Commission,
Respondent.

(Adoption of new Schedule of Water Rates.)

May 7th. Hearing continued, 10.30 A.M.; 10.40 to 11.40 A.M., for Return of Notice of Motion pursuant to arrangement. Counsel for Appellant may file and serve authorities; Respondent to have right to reply thereto. Judgment on Motion reserved one week.

June 15th. Hearing, at request of Counsel, postponed *sine die.*

Procedure File A-3915

Application by The Toronto Transportation Commission, under Section 257 of "The Railway Act," for approval of the operation of One-man Cars of an approved type on the Sherbourne Street Route.

January 28th. Application for amendment of Board's Order of April 2nd, 1932.

January 3th. Application granted; Applicant's Solicitor to draft Order.

February 7th. Amended Application filed (see letter from Applicant's Solicitor, dated February 6th, 1933).

February 7th. Order granting application as amended.

February 7th, 1932.

Order

Upon the application of the Toronto Transportation Commission, for approval by the Board of the use by the said Commission of One-Man Cars of an approved type upon the route hereinafter set out,

1. This Board doth order and adjudge that the Order made herein on the 2nd day of April, 1932, be amended by permitting the route therein named to be altered at such times of the day as to the applicant may seem desirable, by routing the said cars south via Sherbourne Street T.T.C. Private Loop, Frederick Street, Front Street, returning north on Sherbourne Street rather than along King Street to the Simcoe Loop.

2. And this Board further orders and provides that it may at any time or from time to time hereafter rescind, vary, alter or amend this Order, either upon its own motion or at the request or upon the complaint of any Municipal Corporation, Company or person.

(Sgd.) C. R. McKeown,
(Seal) *Chairman.*

Procedure File A-3950

In the matter of the Petition of R. J. Passmore and others, under Section 8 of "The Local Improvement Act," against the construction of a pipe sewer in the City of Hamilton, on Queensdale Avenue, between Wellington Street and Melville Street, as a Local Improvement.

April 10th. Hearing, pursuant to arrangement, 9.30 to 10.30 A.M., Council Chamber, Hamilton (Chairman authorized under Section 17 of "The Ontario Municipal Board Act, 1932").

Recommendation: That Petition be dismissed. Order to issue as of 12th May, 1933.

May 18th. Draft Order filed.

May 19th. Order (dated 12th May, 1933) issued.

May 12th, 1933.

ORDER

Upon the Petition of the said R. J. Passmore and others, under Section 8 of "The Local Improvement Act," against the construction by the City of Hamilton of pipe sewers in the City of Hamilton on Queensdale Avenue between Wellington Street and Melville Street as local improvements, and upon consideration of such Petitions and the other material filed, and hearing all parties interested, and upon consideration of the evidence adduced and what was alleged by Counsel for the petitioners and for the Corporation of the City of Hamilton, and the issue of the Order herein having been deferred until this day.

1. This Board doth order that the property owners shall pay the cost of the work, and the City Corporation shall pay its statutory share of the cost of said work; such costs to be based on the cost of a fifteen-inch sewer as estimate to be assessed on the frontage abutting directly upon the work and that the City Corporation shall pay the balance of the total cost of the said sewers. The special assessment of corner or irregularly shaped lots at the junctions or intersections of streets shall be reduced pursuant to section 27 of "The Local Improvement Act," R.S.O. 1927, Chapter 235, and that on these terms the work shall be proceeded with; and in all other respects the said Petitions are hereby dismissed.

And this Board doth further order that there shall be no costs of the said application to any party, except that the Corporation of the City of Hamilton shall pay $30.00 for Law Stamps on this Order, which shall be added to the cost of the work.

(Sgd.) C. R. McKEOWN,
(Seal) *Chairman.*

PROCEDURE FILE A-3988a

In the matter of the Application of the Roman Catholic Separate School Board of the Town of Tecumseh, for the exercise by the Board of its jurisdiction under Part VI of "The Ontario Municipal Board Act, 1932," in respect to its indebtedness.

June 23rd. Hearing, Court House, Town of Sandwich. Application granted. Order made, Supervisors of Town of Tecumseh to carry on.

July 7th. Order issued.

June 23rd, 1933.

ORDER

Upon the application of the Board of Trustees of the Roman Catholic Separate Schools for the Town of Tecumseh, heard this day at the Court House, in the Town of Sandwich, in the County of Essex, for an Order under Part VI of "The Ontario Municipal Board Act, 1932," vesting in Supervisors control and charge over the administration of all of the affairs of the said Board, and to declare that it shall be subject to the provisions of said Part VI of the Act, and upon enquiry it appearing that the said Board has failed to meet and pay its debenture indebtedness and other obligations as the same became due and after payment thereof had been duly demanded, and it also appearing that the default in payment has been occasioned from financial difficulties affecting the said Board, and that it is so financially involved and embarrassed in meeting its obligations that further defaults herein may ensue,

This Board doth order that the administration of all of the affairs of the Board of Trustees of the Roman Catholic Separate Schools for the Town of Tecumseh as in Part VI of "The Ontario Municipal Board Act, 1932," is provided be, and the same is hereby vested in a Committee of Supervisors to be known as "The Supervisors of the Board of Trustees of the Roman Catholic Separate Schools for the Town of Tecumseh," and hereafter and until this Board shall otherwise determine and order, doth further order and declare that the said Board shall be subject to the provisions of Part VI of "The Ontario Municipal Board Act, 1932."

This Board doth further order that notice that the said Board of Trustees of the Roman Catholic Separate Schools for the Town of Tecumseh has become subject to the provisions of Part VI of "The Ontario Municipal Board Act, 1932," shall be given in *The Ontario Gazette* and in *The Border Cities Star*, a newspaper published in the City of Windsor, in the County of Essex, and in *The Financial Post*, a newspaper published in the City of Toronto in the County of York, by publishing therein a notice once a week for three weeks in the form following, namely:

"THE ONTARIO MUNICIPAL BOARD

"Notice is hereby given that the Board of Trustees of The Roman Catholic Separate Schools for the Town of Tecumseh has become subject to the provisions of Part VI of 'The Ontario Municipal Board Act, 1932,' by an Order of The Ontario Municipal Board bearing date the 23rd day of June, 1933, and from and after the first publication of this notice in *The Ontario Gazette* all actions or proceedings against the said Board are stayed and thereafter no action or other proceeding against the said Board shall be commenced or continued nor shall a levy be made under a Writ of Execution against it without leave of The Ontario Municipal Board.

"Dated this 23rd day of June, A.D. 1933.

"H. C. SMALL,
"*Secretary of The Ontario Municipal Board.*"

And it is further ordered that the Supervisors of the Town of Tecumseh shall and the same are hereby appointed to act as "The Supervisors of the Board of Trustees of the Roman Catholic Separate Schools for the Town of Tecumseh."

(Sgd.) C. R. MCKEOWN,
(Seal) *Chairman.*

PROCEDURE FILE A-4008a

In the matter of the Application by the Roman Catholic Separate School Board of the Township of Sandwich East, under Part VI of "The Ontario Municipal Board Act, 1932," for the exercise by the Board of its jurisdiction under the said Act in respect to the indebtedness of School Section No. 3 of the said Township.

March 4th. Application and material filed.

June 23rd. Hearing, Court House, Town of Sandwich. Application granted in respect to Sections 5 and 3. Order made. Supervisors of Township of Sandwich East to carry on.

July 7th. Order issued.

June 23rd, 1933.

ORDER

Upon the application of the Board of Trustees of the Roman Catholic Separate Schools for the Township of Sandwich East, heard this day at the Court House, in the Town of Sandwich, in the County of Essex, for an Order under Part VI of "The Ontario Municipal Board Act, 1932," vesting in Supervisors control and charge over the administration of all of the affairs of the said Board relative to said School Sections Numbers 3 and 5, and to declare that it thereto be subject to the provisions of said Part VI of the Act, and upon enquiry it appearing that the said Board has failed to meet and pay its debenture indebtedness and other obligations in respect to the said School Sections Numbers 3 and 5 as the same became due and after payment thereof had been duly demanded, and it also appearing that the default in payment has been occasioned from financial difficulties affecting the said Board, and that it is so financially involved and embarrassed in meeting such of its obligations that further defaults herein may ensue,

This Board doth order that the administration of all of the affairs of the Board of Trustees of the Roman Catholic Separate Schools for the Township of Sandwich East respecting the said School Sections Numbers 3 and 5, as in Part VI of "The Ontario Municipal Board Act, 1932," is provided, be and the same is hereby vested in a Committee of Supervisors, to be known as "The Supervisors of the Board of Trustees of the Roman Catholic Separate Schools (Sections 3 and 5) for the Township of Sandwich East," and hereafter and until this Board shall otherwise determine and order, doth further order and declare that the said Board, in respect to School Sections Numbers 3 and 5, shall be subject to the provisions of Part VI of "The Ontario Municipal Board Act, 1932."

This Board doth further order that notice that the said Board of Trustees of the Roman Catholic Separate Schools for the Township of Sandwich East, respecting said Sections Numbers 3 and 5, has become subject to the provisions of Part VI of "The Ontario Municipal Board Act, 1932," shall be given in *The Ontario Gazette*, and in *The Border Cities Star*, a newspaper published in the City of Windsor, in the County of Essex, and in *The Financial Post*, a newspaper published in the City of Toronto in the County of York, by publishing therein a notice once a week for three weeks in the form following, namely:

"THE ONTARIO MUNICIPAL BOARD

"Notice is hereby given that the Board of Trustees of The Roman Catholic Separate Schools for the Township of Sandwich East, as to School Sections Numbers 3 and 5, has become subject to the provisions of Part VI of 'The Ontario Municipal Board Act, 1932,' by an Order of The Ontario Municipal Board bearing date the 23rd day of June, 1933, and from and after the first publication of this notice in *The Ontario Gazette* all actions or proceedings against the said Board are stayed and thereafter no action or other proceeding against the said Board shall be commenced or continued nor shall a levy be made under a Writ of Execution against it without leave of The Ontario Municipal Board.

"Dated this 23rd day of June, A.D. 1933.

"H. C. SMALL,
"Secretary of The Ontario Municipal Board."

And it is further ordered that the Supervisors of the Township of Sandwich East shall and the same are hereby appointed to act as "The Supervisors of the Board of Trustees of the Roman Catholic Separate Schools (School Sections Numbers 3 and 5) for the Township of Sandwich East."

(Sgd.) C. R. McKeown,
(Seal) *Chairman.*

Procedure File A-4010a

In the matter of the Application of The Roman Catholic Separate School Board of the Town of Riverside, under Part VI of "The Ontario Municipal Board Act, 1932," for the exercise by the Board of its jurisdiction under the said Act in respect to the Applicant's indebtedness.

June 23rd. Hearing, Court House, Town of Sandwich. Order made, Supervisors of Town of Riverside to carry on.

July 7th. Order issued.

June 23rd, 1933.

Order

Upon the Application of the Board of Trustees of the Roman Catholic Separate Schools for the Town of Riverside, heard this day at the Court House, in the Town of Sandwich, in the County of Essex, for an Order under Part VI of "The Ontario Municipal Board Act, 1932," vesting in Supervisors control and charge over the administration of all of the affairs of the said Board, and to declare that it shall be subject to the provisions of said Part VI of the Act, and upon enquiry it appearing that the said Board has failed to meet and pay its debenture indebtedness and other obligations as the same became due and after payment thereof had been duly demanded, and it also appearing that the default in payment has been occasioned from financial difficulties affecting the said Board, and that it is so financially involved and embarrassed in meeting its obligations that further defaults herein may ensue,

This Board doth order that the administration of all of the affairs of the Board of Trustees of the Roman Catholic Separate Schools for the Town of Riverside as in Part VI of "The Ontario Municipal Board Act, 1932," is provided, be and the same is hereby vested in a Committee of Supervisors to be known as "The Supervisors of the Board of Trustees of the Roman Catholic Separate Schools for the Town of Riverside" and hereafter and until this Board shall otherwise determine and order, doth further order and declare that the said Board shall be subject to the provisions of Part VI of "The Ontario Municipal Board Act, 1932."

This Board doth further order that notice that the said Board of Trustees of the Roman Catholic Separate Schools for the Town of Riverside has become subject to the provisions of Part VI of "The Ontario Municipal Board Act, 1932," shall be given in *The Ontario Gazette*, and in *The Border Cities Star*, a newspaper published in the City of Windsor, in the County of Essex, and in *The Financial Post*, a newspaper published in the City of Toronto, in the County of York, by publishing therein a notice once a week for three weeks in the form following, namely:

"The Ontario Municipal Board

"Notice is hereby given that the Board of Trustees of The Roman Catholic Separate Schools for the Town of Riverside has become subject to the provisions of Part VI of 'The Ontario Municipal Board Act, 1932,' by an Order of The Ontario Municipal Board bearing date the 23rd day of June, 1933, and from and after the first publication of this notice in *The Ontario Gazette* all actions or proceedings against the said Board are stayed and thereafter no action or other proceeding against the said Board shall be commenced or continued nor shall a levy be made under a Writ of Execution against it without leave of The Ontario Municipal Board.

"Dated this 23rd day of June, A.D. 1933.

"H. C. Small,
"*Secretary of The Ontario Municipal Board.*"

And it is further ordered that the Supervisors of the Town of Riverside shall and the same are hereby appointed to act as "The Supervisors of the Board of Trustees of the Roman Catholic Separate Schools for the Town of Riverside."

(Sgd.) C. R. McKeown,
(Seal) *Chairman.*

Procedure File A-4022a

In the matter of the Application of the Roman Catholic Separate School Board of the Township of Sandwich West, for the exercise by the Board of its jurisdiction under Part VI of "The Ontario Municipal Board Act, 1932."

June 23rd. Hearing, Court House, Town of Sandwich. Order made as to School Section No. 8, Supervisors of the Township of Sandwich West to carry on.

July 7th. Order issued.

June 23rd, 1933.

Order

Upon the Application of the Board of Trustees of the Roman Catholic Separate Schools for the Township of Sandwich West, heard this day at the Court House, in the Town of Sandwich, in the County of Essex, for an Order under Part VI of "The Ontario Municipal Board Act, 1932," vesting in Supervisors control and charge over the administration of all of the affairs of the said Board relative to said School Section No. 8, and to declare that it thereto be subject to the provisions of said Part VI of the Act, and upon enquiry it appearing that the said Board has failed to meet and pay its debenture indebtedness and other obligations in respect to the said School Section No. 8 as the same became due and after payment thereof had been duly demanded, and it also appearing that the default in payment has been occasioned from financial difficulties affecting the said Board, and that it is so financially involved and embarrassed in meeting such of its obligations that further defaults herein may ensue,

This Board doth order that the administration of all of the affairs of the Board of Trustees of the Roman Catholic Separate Schools for the Township of Sandwich West respecting the said School Section No. 8, as in Part VI of

"The Ontario Municipal Board Act, 1932," is provided be and the same is hereby vested in a Committee of Supervisors to be known as "The Supervisors of the Board of Trustees of the Roman Catholic Separate Schools (Section 8) for the Township of Sandwich West," and hereafter and until this Board shall otherwise determine and order, doth further order and declare that the said Board, in respect to said School Section No. 8, shall be subject to the provisions of Part VI of "The Ontario Municipal Board Act, 1932."

This Board doth further order that notice that the said Board of Trustees of the Roman Catholic Separate Schools for the Township of Sandwich West, respecting said Section No. 8, has become subject to the provisions of Part VI of "The Ontario Municipal Board Act, 1932," shall be given in *The Ontario Gazette* and in *The Border Cities Star*, a newspaper published in the City of Windsor, in the County of Essex, and in *The Financial Post*, a newspaper published in the City of Toronto in the County of York, by publishing therein a notice once a week for three weeks in the form following, namely:

"The Ontario Municipal Board

"Notice is hereby given that the Board of Trustees of The Roman Catholic Separate Schools for the Township of Sandwich West, as to School Section No. 8, has become subject to the provisions of Part VI of "The Ontario Municipal Board Act, 1932," by an Order of The Ontario Municipal Board bearing date the 23rd day of June, 1933, and from and after the first publication of this notice in *The Ontario Gazette* all actions or proceedings against the said Board are stayed and thereafter no action or other proceeding against the said Board shall be commenced or continued nor shall a levy be made under a Writ of Execution against it without leave of The Ontario Municipal Board.

"Dated this 23rd day of June, A.D. 1933.

"H. C. Small,
"*Secretary of The Ontario Municipal Board.*"

And it is further ordered that the Supervisors of the Township of Sandwich West shall and the same are hereby appointed to act as "The Supervisors of the Board of Trustees of the Roman Catholic Separate Schools (School Section No. 8) for the Township of Sandwich West."

(Sgd.) C. R. McKeown,
(Seal) *Chairman.*

Procedure File A-4024a

In the matter of the Application by the Roman Catholic Separate School Board of the Town of LaSalle, under Part VI of "The Ontario Municipal Board Act, 1932," for the exercise by the Board of its jurisdiction under the said Act in respect to the indebtedness of the said Board.

February 21st. Application and copy of Resolution of Separate School Board filed.

June 23rd. Hearing, Court House, Sandwich. Order made, Supervisors for LaSalle to carry on.

February 21st. Application and copy of Resolution of Separate School Board filed.

June 23rd. Hearing, Court House, Sandwich. Order made, Supervisors for LaSalle to carry on.

July 7th. Order issued.

June 23rd, 1933.

ORDER

Upon the Application of the Board of Trustees of the Roman Catholic Separate Schools for the Town of LaSalle, heard this day at the Court House, in the Town of Sandwich, in the County of Essex, for an Order under Part VI of "The Ontario Municipal Board Act, 1932," vesting in Supervisors control and charge over the administration of all of the affairs of the said Board, and to declare that it shall be subject to the provisions of said Part VI of the Act, and upon enquiry it appearing that the said Board has failed to meet and pay its debenture indebtedness and other obligations as the same became due and after payment thereof had been duly demanded, and it also appearing that the default in payment has been occasioned from financial difficulties affecting the said Board, and that it is so financially involved and embarrassed in meeting its obligations that further defaults herein may ensue,

This Board doth order that the administration of all of the affairs of the Board of Trustees of the Roman Catholic Separate Schools for the Town of LaSalle as in Part VI of "The Ontario Municipal Board Act, 1932," is provided, be and the same is hereby vested in a Committee of Supervisors to be known as "The Supervisors of the Board of Trustees of the Roman Catholic Separate Schools for the Town of LaSalle" and hereafter and until this Board shall otherwise determine and order, doth further order and declare that the said Board shall be subject to the provisions of Part VI of "The Ontario Municipal Board Act, 1932."

This Board doth further order that notice that the said Board of Trustees of the Roman Catholic Separate Schools for the Town of LaSalle has become subject to the provisions of Part VI of "The Ontario Municipal Board Act, 1932," shall be given in *The Ontario Gazette*, and in *The Border Cities Star*, a newspaper published in the City of Windsor, in the County of Essex, and in *The Financial Post*, a newspaper published in the City of Toronto, in the County of York, by publishing therein a notice once a week for three weeks in the form following, namely:

"THE ONTARIO MUNICIPAL BOARD

"Notice is hereby given that the Board of Trustees of The Roman Catholic Separate Schools for the Town of LaSalle has become subject to the provisions of Part VI of 'The Ontario Municipal Board Act, 1932,' by an Order of The Ontario Municipal Board bearing date the 23rd day of June, 1933, and from and after the first publication of this notice in *The Ontario Gazette* all actions or proceedings against the said Board are stayed and thereafter no action or other proceeding against the said Board shall be commenced or continued nor shall a levy be made under a Writ of Execution against it without leave of The Ontario Municipal Board.

"Dated this 23rd day of June, A.D. 1933.

"H. C. SMALL,
"*Secretary of The Ontario Municipal Board.*"

And it is further ordered that the Supervisors of the Town of LaSalle shall and the same are hereby appointed to act as "The Supervisors of the Board of Trustees of the Roman Catholic Separate Schools for the Town of LaSalle."

(Sgd.) C. R. McKeown,
(Seal) *Chairman.*

Procedure File A-4046

Between:

The Hydro-Electric Commission of the City of Hamilton,
Applicant,

—and—

The Corporation of the City of Hamilton,
Respondent.

(Apportionment of cost of removal of certain poles and wires.)

June 7th. Hearing, 9.30 a.m. to 12 md., Council Chamber, Hamilton. Application dismissed.

Procedure File A-4285

Between:

Abraham Levine, Agent for H. W. Petrie,
Appellant,

—and—

The Corporation of the City of Toronto,
Respondent.

(Assessment Appeal—Land and Buildings, $63,185.00.)

January 20th. Hearing continued, 2.30 to 4 p.m. Hearing concluded. Judgment *viva voce*, at conclusion of Hearing, that assessment of building be reduced by $1,000.00. (See Reporter's Notes.)

Procedure File A-4304

In the matter of "The Power Commission Act," R.S.O. 1927, Chapter 57, and amendments thereto.

In the matter of "The Public Works Act," R.S.O. 1927, Chapter 52, and

In the matter of "The Arbitration Act," being Chapter 97, R.S.O. 1927, and amendments thereto.

Between:

The Kingdon Mining, Smelting and Manufacturing Company, Limited,
Claimants,

—and—

The Hydro-Electric Power Commission of Ontario,
Respondents.

January 3rd. Hearing continued (pursuant to Adjournment on the 29th ult.), 10.30 to 11 A.M. Adjourned to January 9th, 1933, at 10.30 A.M.

January 9th. Hearing continued, 10.30 A.M. to 4.30 P.M.

January 10th. Hearing continued, 10.30 A.M. to 5 P.M.

January 11th. Hearing continued, 10.30 A.M. to 4.30 P.M.

January 12th. Hearing continued, 10.30 A.M. to 4.30 P.M.

January 13th. Hearing continued, 10.00 A.M. to 3.00 P.M.

January 16th. Hearing continued, 10.30 A.M. to 4.30 P.M.

January 17th. Hearing continued, 10.30 A.M. to 5.00 P.M.

January 18th. Hearing continued, 10.30 A.M. to 4.30 P.M.

January 23rd. Hearing continued, 10.30 A.M. to 4.30 P.M.

January 24th. Hearing continued, 10.30 A.M. to 4.30 P.M.

January 25th. Hearing continued, 10.30 A.M. to 4.30 P.M.

January 26th. Hearing continued, 10.30 A.M. to 4.15 P.M.

January 27th. Hearing continued, 9.30 A.M. to 3.00 P.M.

January 30th. Hearing continued, 10.00 A.M. to 4.30 P.M.

January 31st. Hearing continued, 10.00 A.M. to 4.30 P.M.

February 1st. Hearing continued, 10.00 A.M. to 12.30 P.M. Amended claim to be filed *re* change in water levels, amount of land expropriated and infiltration area (see Reporter's Notes); also damages *re* water supply in Snye, and details of value of ore reserves left in mine (see Reporter's Notes).

February 6th. Hearing continued, 10.00 A.M. to 4.30 P.M.

February 7th. Hearing continued, 10.00 A.M. to 4.30 P.M.

February 8th. Hearing continued, 9.30 A.M. to 11.55 A.M.

February 8th. Subpoena issued to Claimant.

February 9th. Hearing continued, 10.00 A.M. to 4.35 P.M.

February 10th. Hearing continued, 10.00 A.M. to 12.15 P.M. Adjourned to February 17th, 1933, for Argument.

February 17th. Hearing continued, 10.00 A.M. to 4.45 P.M.

February 18th. Hearing continued, 10.00 A.M. to 3.45 P.M.

February 20th. Hearing continued, 10.00 A.M. to 3.10 P.M. Hearing concluded. Award reserved.

March 14th. Award.

Judgment and Award

The Respondents, The Hydro-Electric Power Commission of Ontario, having in contemplation the development of a water power on the Ottawa River at a point known as Chats Falls immediately east of Chats Rapids, and having entered into a certain agreement with a company operating in the Province of Quebec for the purpose of carrying into effect this projected development, expropriated or purchased the whole or part of certain islands in the Ottawa River northwest of Concession IX and known as Pancake Island, Killaly Island, Victoria Island, Kidney Island, Aumond Island and Chabot Island, and proposed in conjunction with the said Quebec Company, to construct a concrete dam from Lot No. 24 in Concession IX in the Township of Fitzroy, in the County of Carleton, and Province of Ontario, across the said islands and the water intervening to or near the interprovincial boundary between the Provinces of Ontario and Quebec, which said boundary is said to run almost midway between Chabot Island in Ontario and Mohr Island in Quebec, and upon said interprovincial boundary to erect a power house. The construction of the aforesaid dam would, of necessity, have the effect of raising the water level of Chats Rapids so as to

overflow the banks of the river and cover with water land the property of the Claimants, and to enable the said Respondents to acquire said land an Order-in-Council dated July 13th, 1931, was issued by the Lieutenant-Governor in Council enabling the said The Hydro-Electric Power Commission of Ontario to take possession of, expropriate and use the lands therein set out, comprising in all 544.84 acres (Exhibit 1).

In compliance with the said power so granted the said Respondents by notice dated September 1st, 1931 (Exhibit 2), notified by registration the owners of the said lands of the expropriation thereof, in accordance with the provisions of the said Acts.

The lands so expropriated by the said Respondents, and being the property of the Claimants, were as follows:

"*Parcel 'A'*—All and singular that certain parcel or tract of land and premises, situate, lying and being in the Township of Fitzroy in the County of Carleton and Province of Ontario, containing by admeasurement an area of 3.04 acres, more or less, and as shown outlined in yellow on the plan hereto attached numbered 203-1001, being part of Lot 25 in Concession 8 of said Township, the limits of the said tract of land being described as follows:

"Commencing at the point of intersection of the southeastern boundary of said lot with the southern boundary of the right-of-way of The Canadian National Railway Company as said railway was constructed and maintained across said lot prior to February 6th, 1931, the said point being at a distance of 1,621 feet more or less measured northeasterly along said southeastern boundary from the most southerly angle of said lot; thence southwesterly along said southeastern boundary of 528 feet and seven-tenths of a foot more or less to the northern boundary of the railway right-of-way as shown on plan of expropriation by The Canadian National Railway Company dated 26th November, 1930, and registered in the Registry Office for deeds for the said county; thence south 83 degrees and 25 minutes west along said northern boundary 140 feet; thence north 6 degrees and 35 minutes west to the said southern boundary of the lands of The Canadian National Railway Company, thence north 87 degrees and 43 minutes east along the last-mentioned boundary to the point of commencement.

"*Parcel* '1'—Lot 26 in Concession 8 of the Township of Fitzroy in the County of Carleton containing 32.3 acres more or less;

"*Parcel* '2'—Part of Lot 25 in Concession 8 of said Township of Fitzroy in the County of Carleton, containing 91.3 acres more or less, being the whole of said lot save and excepting the lands of The Canadian National Railway Company in said lot, and Parcel 'A' as hereinbefore described;

"*Parcel '3'*—Part of Lot 26 in Concession 7 of said Township of Fitzroy in the County of Carleton, containing 133.3 acres more or less, being all that portion of said lot bounded on the northeast by the northeastern boundary of said lot; and on the northwest by the northwestern boundary of said lot; on the southeast by the southeastern boundary of said lot; and on the southwest by a straight line joining the most westerly angle of said lot with the most easterly angle of the southwest half of said lot, saving and excepting the lands of The Canadian National Railway Company in said lot;

"*Parcel '4'*—Lot 27 in Concession 6 of said Township of Fitzroy in the County of Carleton containing 52.3 acres more or less;

"*Parcel '5'*—Part of Lot 26 in Concession 6 of said Township of Fitzroy in the County of Carleton containing 58.1 acres more or less, the limits of the said tract of land being described as follows:

Commencing at the most westerly angle of said lot, thence southeasterly along the southwestern boundary of said lot to the most southerly angle of said lot; thence northerly in a straight line to the point of intersection of two lines, one said line being parallel to the southwestern boundary of said lot and at a distance of 700 feet measured northeasterly therefrom along the southeastern boundary of said lot, and the other said line being parallel to the southeastern boundary of said lot and at a distance of 1,200 feet measured northwesterly therefrom along the southwestern boundary of said lot; thence northwesterly parallel with the southwestern boundary of said lot 500 feet; thence northeasterly parallel with the northwestern boundary of said lot 950 feet; thence southeasterly parallel with the southwestern boundary of said lot 580 feet; thence northeasterly parallel with the northwestern boundary of said lot 1,970 feet; thence northwesterly parallel to the northeastern boundary of said lot 752 feet more or less to the northwestern boundary of said lot; thence southwesterly along said northwestern boundary to the line of average high water of the Ottawa River or Chats Lake; thence southeasterly, southerly and southwesterly along said line of average high water to the northwestern boundary of said lot; thence southwesterly along said northwestern boundary to the point of commencement;

"*Parcel '6'*—Lot 27 in Concession 5 of said Township of Fitzroy in the County of Carleton containing 3 acres more or less;

"*Parcel '7'*—Lot 26 in Concession 5 of said Township of Fitzroy in the County of Carleton containing 61.8 acres more or less;

"*Parcel '8'*—Part of Lot 25 in Concession 5 of said Township of Fitzroy in the County of Carleton containing 30.3 acres more or less, the limits of the said tract of land being described as follows:

"Commencing at the most northerly angle of said lot; thence southerly in a straight line to a point in the southeastern boundary of said lot, the said point being at a distance of 1,250 feet measured southwesterly along said southeastern boundary from the most easterly angle of said lot; thence southwesterly along said southeastern boundary to the line of average high water of the Mississippi River; thence northwesterly along said line of average high water to the northwestern boundary of said lot; thence northeasterly along said northwestern boundary to the point of commencement;

"*Parcel '9'*—Part of Lot 25 in Concession 5 of said Township of Fitzroy in the County of Carleton containing 79.4 acres more or less, the limits of the said tract of land being described as follows:

"Commencing in the southeastern boundary of said lot at a distance of 1,360 feet measured northeasterly along said boundary from the most southerly angle of said lot; thence northwesterly parallel with the southwestern boundary of said lot 660 feet; thence southwesterly parallel with the southeastern boundary of said lot 700 feet; thence northwesterly parallel with the southwestern boundary of said lot 840 feet; thence southwesterly parallel with the southeastern boundary of said lot 660 feet to the southwestern boundary of said lot; thence northwesterly along said southwestern boundary to the average high water of Chats Lake or Ottawa River; thence northeasterly, easterly and southeasterly along the line of average high water of Chats Lake and the Mississippi River to the southeastern boundary of said lot; thence southwesterly along said southeastern boundary to the point of commencement, together with the additional parcel of land shown on Exhibit 88"; reserving to the present owners of the said lands, their heirs, executors, administrators, successors or assigns, any mines, mine workings,

metals or minerals in or under such lands, with the right to work the same, except only such parts thereof as are necessary to be dug, carried away or used in the construction of, or as may be necessary for the support, preservation or maintenance of, any works or things now or hereafter erected or placed upon the said lands.

By the erection of the dam aforesaid the water of the Ottawa River at this point was raised to a point 247 feet above sea level, and to maintain such head and prevent the water from running down below the dam by way of what is called the Mississippi Snye, another dam, called Dam No. 1, was built at the mouth of the said Snye, thus at the option of the Respondents dewatering the Snye and taking away from the said Claimants the water supply heretofore used for the working of the Claimants' mining and smelting operations, and for domestic purposes.

By reason of the action of the said Respondents as above set out, the Claimants as the owners of the said land so expropriated, now claim against the Respondents the sum of $2,222,422.00, made up as follows:

"I (1)	By the taking of the surface rights of the expropriated land on the basis of vacant land, 544.84 acres at $50 an acre		$27,242
(2)	By the loss of other rights reserved therein and thereon by the Hydro-Electric Power Commission		10,000
(3)	By the loss to Claimant of the timber thereon		40,000
"II	For loss and damage to the Claimant in respect of its lands (including those taken and those not taken) by reason of the taking of that part of its lands abutting on the Ottawa River, Chats Lake and on the Mississippi and the Snye Rivers, and on other waters bounding the lands expropriated, including loss of riparian, power or other rights and loss of and in respect of any part of the beds of the said rivers or waters belonging to the Claimant, estimated		750,000
	Particulars furnished under this paragraph II:		
	(1) Damages by loss of extra value of parcel 9 over and above claim I (1) by reason of said land bordering on or having access to the water (such bordering on and access to the water having now been cut off by the proceedings herein):		
	79.4 acres at $300 per acre	$23,820	
	Less surface value included in Claim I (1)	3,970	
			19,850
	(2) Damages by loss of extra value of Parcels 1, 2, 3, 4, 5, 6, 7 and 8 over and above Claim I (1) by reason of land bordering on or having access to the water (such bordering on and access to the water having now been cut off by the proceedings herein):		
	462.4 acres at $200 per acre	$92,480	
	Less surface value included in Claim I (1)	23,120	
			69,360
	Note: The values above mentioned do not include any allowance for mineral or mining rights.		

(3) Damages to the remainder of the Company's property after expropriation caused, (1) by the taking of more than one-third of its original total area of mining lands, thereby shortening the useful life of the Company's plant, equipment and workings, and (2) by the taking of the Company's right of bordering on and having free access to the water, thereby causing its lands to be land-locked hereafter and by cutting off its contiguity with the Canadian National Railway:

(1)	Value of 926 acres not expropriated at $2,000	$1,852,000
(2)	Value of plant, equipment and workings	1,000,000
(3)	Value of area within aforementioned expropriated area between 247 line and the inner boundary of the expropriated area being 170 acres at $2,000	340,000
		$3,192,000
	Ten per cent. (10%) thereof	$319,200

The above figures are based on the assumption that ample water for all purposes, present and future, of the unexpropriated property equivalent to what was available before will be made available by the Commission and without derogation from the foregoing, in particular that a supply of water be furnished to the mine equivalent to anything that could have been obtained from the Snye prior to expropriation. If such water were not available the whole property of the Claimant would be valueless for mining purposes.

(4) Power on the Ottawa River on the basis of its being non-navigable that could be produced by retaining the old water level on Chats Lake by erecting a dam from the Company's property to Egan Island:

Amount of power capable of development on this basis 100,000 h.p., of which 50,000 attributable to Ontario side, 50,000 h.p. at $40.00 per h.p. $2,000,000

Less one-half for costs of acquisition of properties and rights necessary to permit of this development, for purposes of claim and allowance for heavy factor of safety, say $500,000

(5) In the alternative on the basis of the river being held to be navigable at the point in question, the potential value of the Company's property bordering on the Ottawa River as an economical site for a dam to the Quebec side of the river $250,000

"III For injuriously affecting the lands described in the said plan and description registered other than such portion thereof as has been taken under the proceedings aforesaid:

(1) By absolutely ruining 374.84 acres of the said lands as mining lands in so far as the Company Claimant is concerned, thereby depriving the Claimant of all the ores, metals or minerals in or

under said lands, and the prospective profits to be made therefrom, as the flooding thereof will render it impossible to commercially operate any mine thereunder, 374.84 acres at $2,000 $749,680

(2) By increasing above normal in an area of 3½ acres the cost of mining operations of the present and future working of the Claimant's mine owing to seepage of water which will be caused by the raising of the water levels of Chats Lake and the Ottawa and Mississippi Rivers $200,000

(3) By rendering more difficult mining operations in a tract of land between the 247 line and the inner boundary of the aforementioned expropriated property consisting of 170 acres, and in a tract of land comprising 179 acres adjoining but not within the aforementioned expropriated area and lying within a distance of 1,000 feet from line 247 making in all 349 acres (less 3½ acres referred to in paragraph IV (1) hereof) being 345½ acres $345,500

"IV For injuriously affecting the Claimant's lands:

(1) By reason of cutting off its existing water supply used for the purposes of operating its mine works and domestic purposes, and thereby requiring the installation, maintenance and operation of a pipe line to bring water from the Mississippi River to the Company's lands $85,000

(2) By reason of diminishing the natural flow of the Snye, thereby depriving the Claimant's lands of the use and enjoyment of all the natural flow of said Snye in excess of the quantity pumped through the pipe line aforesaid ..... $15,000."

The particulars of the Claim as above set out, being partly for matters over which under "The Power Commission Act," R.S.O. 1927, Chap. 57, and "The Public Works Act of Ontario," being R.S.O. 1927, Chap. 52, and amendments thereto, jurisdiction to pass upon and adjust is given to The Ontario Municipal Board, and partly for matters over which the said Board as a Board has no jurisdiction, it was agreed by and between the parties hereto that the whole claim should be referred to The Ontario Municipal Board for settlement, and that wherein the said Board has power by Statute to act, the Judgment or Finding or Award made should be, and be considered as, the Judgment or Finding or Award of the said Board as a Board exercising its statutory powers, and that wherein the claim as filed or any part thereof was in connection with a matter over which the said Board has no statutory power to deal, said latter claim should be referred to Charles Robert McKeown, James A. Ellis and Herbert L. Cummings, the members of the said Board, in their individual capacity as Arbitrators as set out in the Submission to Arbitration (Exhibit 9), which reads as follows:

"Submission

"Supplementing the agreement of submission dated the 6th day of September, 1932, between The Kingdon Mining, Smelting & Manufacturing Company, Limited, and The Hydro-Electric Power Commission of Ontario (His Majesty the King represented by the Attorney-General also being a party thereto, in respect of certain matters outside the scope of the Submission to Arbitration therein provided for), the said Company and the said Commission hereby agree as follows:

"(*a*) That in so far as The Ontario Municipal Board may not have jurisdiction to hear and determine any of the claims submitted to it in the amended claim filed by the said Company and copy of which is attached hereto, such claims shall be and are hereby submitted and referred to the arbitration of C. R. McKeown, Esq.; J. A. Ellis, Esq., and H. L. Cummings, Esq., being the members of the said Board, as Arbitrators pursuant to the provisions of "The Arbitration Act," whose decision shall be final and binding upon the parties, subject only to appeal therefrom by either party in accordance with the said Act;

"(*b*) That as to any of such claims in respect of which the said Board may itself determine that it has no jurisdiction to hear or determine the same as a Board and which the said three members shall hear as Arbitrators under 'The Arbitration Act,' the said Arbitrators shall be entitled to reasonable compensation and to their expenses, in such amount as may be agreed upon between the parties or, failing agreement, as may be fixed by a Judge of the Supreme Court of Ontario upon due application, and the said Company and the said Commission agree that the Award of the Arbitrators shall and may include a direction by the Arbitrators as to payment or apportionment by or between the parties of the said compensation and expenses and of the costs of and incidental to the said arbitration;

"(*c*) That the parties agree that the amended claim filed by the said Company with the Board, a copy of which is attached hereto, shall constitute the entire claim of the said Company (subject to any further amendment which may be made by leave of the Board or Arbitrators, or by consent of the parties), and the parties agree to the said amendment.

"In witness whereof the parties hereto have caused this agreement to be executed by attaching thereto their corporate seals attested by the signatures of their duly authorized officers, this 17th day of October, 1932.

"Signed, Sealed and Delivered
"In the presence of:
"G. Gordon Hyde.
"Harold A. C. Breuls.

Kingdon Mining, Smelting and Manufacturing Company, Limited.
Kingdon Mining, Smelting & Mfg. Co., Limited.
Incorporated 1916.
A. G. Munich, Managing Director.
John R. Leger, Secretary-Treasurer.

"Hydro-Electric
"Power Commission of
"Ontario.

Hydro-Electric Power Commission of Ontario.
J. R. Cooke, Chairman.
W. W. Pope, Secretary."

As to that part of the claim of The Kingdon Mining, Smelting and Manufacturing Company above mentioned, over which The Ontario Municipal Board has statutory authority to determine the Judgment or Award hereinafter set out is, and is to be considered the Judgment of The Ontario Municipal Board as such, and as to that part of the said claim over which the said Board has no jurisdiction as such the Judgment or Award in connection therewith is, and is to be considered as, the Judgment or Award of the said Charles R. McKeown, James A. Ellis and Herbert L. Cummings as Arbitrators in accordance with the said Submission to Arbitration.

Prior to the hearing of evidence the members of the Board had the opportunity on 14th October, 1932, of visiting and inspecting the site of the Chats

Falls Power Development, the Claimants' properties on Chats Island, and that inspection, made partly on foot and by boat, has been of material assistance in enabling the members to more easily visualize the areas, properties and features dealt with in, and the relative importance of, the evidence adduced.

The Board actually sat for forty-three days to hear evidence and three days to listen to concluding argument of counsel before this wearisome arbitration came to an end. The time occupied in light of the Award is altogether disproportionate and therefore seemingly unjustifiable. That is of course looking at matters in the light of hindsight, and while it may be quite true that a great many aspects could have been eliminated or shortened, the elaboration of the Claimants' case, based as it was to a very appreciable extent upon hypotheses and assumptions and not upon questions of ascertained fact, had of necessity to take considerable more time than is usually occupied in compensation cases. Then upon the Respondents fell the onus of meeting fully the case presented by the Claimants, or of taking the risk consequent upon too lightly treating an opponent, a risk which a body such as the Respondent Commission representing the public interest and not its own private fortunes, would have found very difficult to justify, if in the final result it could be determined that the Respondents had erred in judgment. It is to be regretted, however, that so much time has been expended and energy consumed in the prosecution to the last ditch of claims which in the final view can only be regarded as having rested upon little or no foundation.

In making the foregoing observations it is but just to state that no criticism is to be attached to counsel for either side who, in the performance of the duty resting upon them were of invaluable assistance to the Board throughout the whole hearing and carried out a task which has been no mean strain upon mental and physical resources in as eminent a manner as might well be expected of them.

2. *Chats Falls: Area (General Description).*

A better understanding of the matters in issue is obtainable by a depiction in words of this area.

Chats Lake, a widening of the Ottawa River, is situate about forty miles west of Ottawa. At the foot of the lake the river flows easterly through what are known as Chats Rapids for a distance varying from one to three miles, then splitting into several channels between the string of islands stretching across the river at the crest of Chats Falls the waters drop a distance of about 40 feet into the tail waters which flow thence towards Lake Duchesnes.

On the Ontario side at the easterly end of the lake is Chats Island separated from the mainland of Fitzroy Township in Carleton County by the Mississippi River, which flows into the lake on the west, and by the stream known sometimes as the south branch of the Ottawa, but locally as the Snye, which flows out of the Mississippi in a northeasterly direction to join the Ottawa in the tail waters below Chats Falls.

Chats Island is a considerable one and approached by road from Galetta on the southwest and Fitzroy Harbour on the northeast. The C.N.R. line from Ottawa passes from Lavergne Point on the island thence by means of a bridge across the Ottawa to the Quebec side.

The island, while fairly flat, is irregular in surface upon which appear frequent ridges and outcroppings of rock interspersed here and there with areas which contain soil sufficient in quantity and quality to permit of general agricultural pursuits. Generally speaking, however, the island presents a somewhat natural and wild appearance and its surface uses are principally in wood-cutting and

grazing. At one time it must have been well timbered and the island until 1930 presented a well-wooded appearance.

Except for the settlement at the Claimants' mine, the resident population is small and indications from buildings, etc., suggest that but a meagre existence can be eked out.

The contours of the island varied from approximately 240 at the shore line at times of normal water level rising by very gradual stages to a maximum height of about 290. The shore upon Chats Lake was in spots gravelly or sandy, but generally speaking the island presented a rocky waterfront. Here and there low spots upon the island are of a swampy nature.

The elevation of the waters in Chats Lake have during the past twenty years varied from a low of 237 to a maximum high of 249, with a mean of 243. For the purpose of determining the issues in this matter the normal water elevation has to be taken as of 239.7 (Geodetic Survey), because the areas expropriated have been assumed as measuring therefrom and other calculations of witnesses are based thereon.

The elevations in the Chats Rapids drop from 240 or thereabouts at the head to about 228 feet at the crest of the falls and 190 feet in the tail waters, thus giving a total fall from lake level to the tail waters of about 50 feet at times of normal flow.

The elevations of the Mississippi River are the same as of the lake up to the highway bridge at Galetta, and commencing at the same in the Snye they gradually drop to tail-water level at the discharge into the Ottawa.

The frequent outcroppings of rock upon the island are often fissured, and at places potholes are to be seen. The timber is mostly pine, spruce and birch, and the wooded areas extend to within a short distance of the water's edge.

3. *Power Development on the Ottawa.*

The evidence indicates that in the eighties William Harty acquired from the Crown (Ontario) some of the islands in the Ottawa River near the Ontario shore with certain rights to use the waters for mill purposes (Exhibits 72, 73). No development appears to have been made by what are called the Harty-O'Connor interests.

About 1913 the Respondent Commission made surveys for power possibilities upon the Ottawa and among them of Chats Falls. In 1914 it expropriated the Harty-O'Connor interests including the islands granted to William Harty by notice registered in that year in the Carleton Registry Office. Settlement of the compensation was delayed and not made until 1929.

In about 1917, A. G. Munich (but not on behalf of the Claimant Company) became interested in the power possibilities at or near Chats Falls and having acquired control over properties on the Quebec shores he had some preliminary negotiations with the Chairman of the Respondent Commission as to development of power. These were abortive, but at or about that time Mr. Munich acquired knowledge that the Respondents owned the Harty-O'Connor interests, and that no development on the Ontario side was possible without the Provincial authorities and the Respondents being in accord.

In 1925 or 1926, Mr. Munich again negotiated with the Respondent Commission but without success, and in 1927 he parted with all personal control or voice in the matter when he disposed of his interest on the Quebec side to a company, the predecessors of the power company now jointly associated with the Respondents in the Chats Falls power development now in operation. Mr. Munich appears to have obtained a minority shareholding interest in the power

company, but throughout and to the present his interest has been a personal one and in no way on behalf of or connected with the Claimant Company.

The evidence is that the Claimant Company and its Directors never at any time took into consideration at any meeting the matter of power development on the Ottawa. At a later date the Respondents and the power company entered into concrete arrangements for the power development at Chats Falls now in operation. Apparently earlier and different plans had been broached for a somewhat different development with the necessary dam constructed across the rapids from a point on or near the Claimants' property to Egan's Island on the Quebec side. These plans were all discarded, if for no reason other than they all involved the location of the power house entirely within Quebec, a course to which the Respondents would or could not agree.

The necessary authorizations being obtained from the Dominion and Provincial Governments (Exhibits 74 and 76) and the formal agreement (Exhibit 75) between the power company and the Respondents being entered into, the work of construction proceeded and was completed in 1931-1932.

Chats Falls power development contemplates a maximum head of about 57 feet with an output of over 200,000 h.p. This involves the ultimate raising of the water elevation in Chats Lake, Mississippi River, Chats Rapids, etc., to 247 feet, to which height the Respondents are limited (Exhibit 80). The development did not itself occasion any raising of the lake levels until June, 1932, when it was raised to a constant of about 244, at which it has since remained.

The power dam now in place is roughly a crescent along the crest of the falls crossing the river from a point on the Ontario side near Victoria Island, thence over the channels and islands ending at Egan's Island on the Quebec side. The Ontario end is continued by an earthen dam along Chats Island to Parcel A, expropriated from the Claimants. The power house is located at the real or conventional boundary line down the river which separates the two Provinces, one-half of the power house being in Ontario and the other half in Quebec.

The construction of the power dam and the consequent raising of water levels in Chats Lake and elsewhere necessitated the acquisition by the power company and the Respondents of considerable areas of land in the vicinity of the works and bordering upon the lake and river, and included therein were portions of the Claimants' properties.

The development also made it essential that the outflow from the Mississippi River by means of the Snye be placed under control so that the lake level be maintained, and for that purpose authority was obtained (Exhibit 80), which enabled the Respondents to construct dams across the Snye where it began at the Mississippi.

4. *The Claimant Company.*

The Claimant Company was incorporated in 1919 under "The Companies Act" (Canada), with a capital of $750,000 divided into 7,500 shares of $100 each, and having its head office at Montreal. The principal objects of the Company were to carry on mining operations and the milling and smelting of metals. Upon incorporation the Claimants acquired from the Robertson Estate and others the properties they now own upon Chats Island and adjacent thereto, and upon which at that time there was located the workings which have since become the mine known as the Kingdon Lead Mine.

Payment for the properties was made by the issue to the vendors of the total authorized capital of the Claimant Company, the transactions being carried out in the name of A. G. Munich, the nominal vendor.

Throughout the Claimants' history the general policies of the Company appeared to have been controlled by the Robertson interests, the principal shareholders, and until his death in 1931, the President was Charles M. Robertson. During the whole of that time and up to the present A. G. Munich, who from 1914 to 1919 managed the mining venture for the Robertson Estate, has been General Manager of the Claimants and at their properties at Chats Island. Since 1921, R. R. Rose has been and is the superintendent in charge of the mine, but apparently without very much executive authority, the operating policy having been directed from head office, and the superintendent never having been free to decide upon matters affecting either the nature or field of operation. The Claimants' chief function being mining, their whole efforts have been directed thereto and the use of the properties has been confined to purposes incidental thereto. They have neither added to nor parted with any of their holdings, and generally speaking may be said to have limited their undertaking solely to the existing mine covering less than ten acres. There is no evidence to indicate that they have at any time sought to develop the remainder of their properties for mining or other purposes, except that in 1929 they procured a geophysical survey of the surface to be made in the area surrounding their present mine.

The Claimants appear to have had no cash capital or working capital resources of their own and have depended therefor upon loans obtained from the Robertson interests. The amount of these loans, with some fluctuations therein, has grown from $113,000 or so in 1919 to a total of $590,402.79 owing at the end of 1931, and with accumulated interest thereon of $250,133.60, making an aggregate outstanding debt due to the Robertson interests as of 31st December, 1931, of $840,536.39. Apparently no security for repayment of this loan has been given.

The Claimant Company does not appear to have paid any dividends, and according to its annual financial statements (Exhibit 23) has made a loss during the period 1919 to 1931 of over one million dollars, but which as explained hereunder the Claimants now seek to establish is not the case.

The evidence indicates that the only voices which have been heard in directing the affairs of the Claimants have been those of their President and General Manager, and there is no evidence that the directors or shareholders participated in the transactions of the Company except to formally deal with and adopt annual reports and statements, which appears to have regularly been done.

While from the evidence it is difficult to determine at what total value the Claimants appraised all their properties, it would appear from Mr. Munich's evidence that in his opinion they were immediately prior to expropriation to be valued at not less than $5,000,000. The books of the Company carry them at the original purchase price of $750,000, less depreciation charges against that amount.

5. *The Claimants' Properties.*

The bulk of the Claimants' properties are situate upon Chats Island, some small portions being upon the mainland south of the Snye and one parcel on the west side of the Mississippi, being the west part of Lot 25 in the Fifth Concession, is also on the mainland. The properties are not in one solid block but are scattered throughout the island, making altogether about 1,500 acres with a very considerable frontage upon the lake and river waters.

Except for special features to which reference is made, it may be said that as a whole the Claimants' properties on the island are fairly flat but with an

irregular surface cut up by frequent outcroppings and ridges of rock, have but little land suitable to farming purposes other than grazing, and immediately prior to expropriation were still fairly well wooded. Here and there might be found swampy spots and at the shore of the lake small patches of gravelly or sandy beach were present at times of normal water level. The property bordering upon the Ottawa was more rugged than the remaining portions. The property west of the Mississippi fronting on Marshall's Bay was of a somewhat different character, being at the rear higher land with some low-lying portions abutting upon the bay, along the front of which was a sandy beach which stretched out beneath the shallow waters for some distance. The property was well wooded with a little better timber and portions were adapted for agricultural purposes.

To a great deal of the Claimants' property, particularly those portions towards the centre of the island and down the Snye below the highway bridge, the present issues do not relate except in so far as they are injuriously affected by the Respondents' proceedings. The properties which are affected may for all material purposes be divided into three sections.

A.—Ottawa River Section. This comprises the Claimants' lands which fronted on the Ottawa River mostly opposite the Chats Rapids and extended southerly to a short distance south of the deviated route of the Canadian National Railway. The whole of this section has been expropriated and forms Parcels A, 1, 2 and 3 (Exhibit 1), containing in all 259.94 acres. The general topography may be described as having been of a rocky and rugged nature fairly well covered with trees. It is to this section that the Claimants, in addition to mineral values, have sought to attach special values for power development and industrial site purposes.

B.—Chats Lake Section. For the purposes of the arbitration this may be stated to comprise the Claimants' lands which fronted on the lake from the base of Lavergne Point around Lavergne Bay and thence westwardly and southerly along the shore and up the Mississippi to the line between Lots 25 and 26 and extending from the lake southeasterly to the Snye. It includes not only the area which is taken up by the Claimants' mine and mining plant, but also any northwestward extension thereof.

The area generally is flat with frequent outcroppings of rock, some swampy spots and little agricultural lands except for grazing. Some of the timber had been cut by the Claimants but there are still wooded areas. At the shore the general character is rocky in some places, low and swampy in others and at spots a short stretch of gravel or sandy beach. The contours rise from 240 to 245 at the water's edge to a maximum of about 290.

This section contains Parcels 4, 5, 6, 7 and 8 (Exhibit 1), containing 175.2 acres which have been expropriated by the Respondents, and it is to this area the Claimants assert that the greatest damage from injurious affection of the unexpropriated portions has been occasioned.

The whole of the water frontage upon the lake and the Mississippi is expropriated and on the Snye the Respondents have constructed dams which affect the water supply of the Claimants for mining and other operations and for domestic and sanitary purposes.

It is to this area that the Claimants have directed nearly the whole of the evidence with respect to mineralization and the value thereof, but in addition the Claimants maintain that summer resort values attach to the frontage upon the lake and also that industrial site value is present.

C.—Marshall's Bay Section. This covers the area above referred to as situate on the west side of the Mississippi and bordering upon Marshall's Bay. This

property is located immediately to the east of a summer resort colony which has been established for many years. There is some doubt upon the evidence as to present accessibility to this property by public highway as while an unopened road allowance leads to it, the only road now travelled is a private one to the adjacent summer colony which ends there. There is nothing in evidence, however, to indicate that the road allowance could not be opened for travel.

While the Claimants include this section among their mineralized properties, no direct evidence upon that feature was presented. Throughout the hearing the Claimants' witnesses stressed a special value to this property for summer resort purposes.

While Exhibit 1 shows that Parcel 9, which is the portion of this property expropriated, as containing 36.9 acres, it was admitted during the hearing that the actual acreage taken was 79.4. The discrepancy is explained by the fact that the acreage was ascertained from a water level of 243 feet or so instead of from 239.7 as in the case of the other expropriated parcels. For the purpose of determining compensation, Parcel 9 is to be taken to contain 79.4 acres. For practically all purposes this section can be treated separately.

The Kingdon Lead Mine. This mine had its inception in the "eighties" when James Robertson of Montreal either discovered lead or commenced the first real attempt at mining operations. It is to be assumed that surface indication of minerals was present at the spot where he started his mine or pits. There is some evidence that at other places on the island or in the vicinity other small workings are to be found upon the properties of the Claimants and others. For instance, upon the Claimants' property at "No. 4 Pit," on Lot 22 in the Seventh near the Snye, as well as some trenches in other spots. Elsewhere there is evidence as to the "Campbell prospect" on Lavergne Point and the "McLean Pits" on the mainland in Lot 20 near the road from Galetta to Fitzroy Harbour.

All of these workings relate only to lead and while in the Claimants' mine some evidences of zinc blend and traces of silver have been present, it is admitted that for all purposes of the arbitration, not only with respect to the present mine but to any of the Claimants' property, the mine is to be regarded as a lead mine only, and that the only mineral value which attaches to the remaining lands is confined to lead.

The principal workings conducted by Robertson prior to 1914 were at Pits Nos. 1, 2 and 3, all in or in the immediate vicinity of the present mine. These efforts appear to have been spasmodic and insignificant until 1914 in which year the mine as it is to-day may be said to have been commenced. In that year Robertson, or his estate, engaged A. G. Munich as manager and under his charge operations on an extensive scale were begun and have since continued until 1931, when operations ceased. From 1914 to 1931 the mine was developed, all work being centred in one shaft at first in the vein and later in the present shaft constructed off the vein.

The Kingdon Lead Mine is situate in the east half of Lot 23 in the Sixth Concession on Chats Island, the shaft being located about 1,100 feet from the Snye and 750 feet or so from the southeast boundary of the lot. In the neighbourhood of the shaft head are erected the mill, smelter and mine buildings. Near thereto is the mining settlement of the mine workmen and their families, the Claimants' offices, etc.

The underground workings reaching at depth 1,400 feet stretch along the vein in directions both southeast and northwest of the shaft, the former up to 750 feet from the shaft to the boundary of the Claimants' property, the latter to a maximum on the lowest level of nearly 2,200 feet from the shaft. The

projection of the underground workings on the surface are stated to comprise about 7½ acres.

The mine is located upon a vein occupying a fault fissure in the country rock, which is principally of pre-Cambrian Grenville limestone and in which igneous intrusive rocks, granite and diorite occur. The vein itself has for its gangue, calcite, in which is to be found galena and insignificant occurrences of other minerals. It is the galena (lead sulphite) which gives to the mine any value it may have and from which the lead is smelted.

Prior to 1919 when the Claimants acquired title, the mine had been so far developed that the shaft had reached a depth of over 200 feet with drifting and mining in the first two levels. In addition a mill had been erected as also a smelter of a modest character. After the Claimants took over they proceeded to develop the mine, enlarge the mill and install an adequate smelting plant and all the improvements effected and operations carried on have been paid for either out of operating revenues or from loans obtained from the Robertson interests.

By the end of 1922 the shaft had reached a depth of 525 feet, crossing the vein between the 400 and 525-foot levels. It was sunk to further depths of 775 feet by May, 1924, 1,025 feet by May, 1925; 1,275 feet in 1927, and attained its greatest depth of 1,448 feet in August, 1929. There are altogether twelve levels along the vein running east and west of the shaft, namely, 100, 200, 300, 400, 525, 650, 775, 900, 1,025, 1,150, 1,275, and 1,400 foot levels. Those below the 525 are reached by cross-cut drifts through the country rock to the vein.

The Claimants' evidence is that until 1928 the general practice, except for one period, was to prosecute drifting along the levels to an extent sufficient to keep ahead of actual mining operations, so that there could be a continuous operation of actual mining to feed the mill and smelter. After 1928, it is suggested that the programme of drifting was more or less halted on instructions from head office, but the evidence does not establish that there was any considerable diminution in such drifting.

In about 1922 the underground haulage equipment was electrified and all excavated material has since that time been brought to the shaft by electric train for elevation to the mill. The evidence establishes that the total tonnage hoisted from the whole mine from 1914 until operations ceased in 1931 was 905,000 tons, the tonnage being estimated from the contents of the "skip" or car in which it was hauled, which was computed to carry an average load of 1.6 tons of ore from the stopes and drifts, and 2 tons of waste material from shaft, cross-cuts, stations, etc. The foregoing tonnage does not include a small tonnage of waste taken from the shaft, cross-cuts, etc., which was thrown into abandoned workings on upper levels.

Generally speaking the mine may be said to be exhausted east of the shaft down to the 1,400-foot level as most of the levels to the boundary of the Claimants' property have been completely stoped and the ore all extracted. It is suggested that there still remains to be extracted from the 1,400-foot east level some quantity of low-grade ore if it becomes profitable so to do and a small quantity of broken ore. It is also suggested that profitable ore may still remain in place in the extensions of the upper east levels to the boundary of the property at points beyond the end of the existing drifts.

To the west of the shaft the workings in the lower levels below the 300-foot level have been carried to distances of from 1,200 to 2,200 feet west of the shaft. Reference to the stoping plan (Exhibit 15) indicates the extent of the workings very clearly. It is about ten years since any work was done on the upper four levels and while they have been abandoned, the Claimants' evidence is to the

effect that if they were continued valuable ore would be available. On the levels below the 400-foot west, very extensive areas have been stoped and large ore tonnage has been extracted therefrom. The stopes, which have been opened up, have all been completely mined except on the 1,400-foot west level where in Stope 1403 there remains a quantity of broken ore and ore in sight.

So far as the west drifting has extended on the 525, 650, 775 and 900-foot west levels, the evidence shows that all available ore has been extracted. On the 1,025, 1,150, 1,275 and 1,400-foot west levels, particularly on the last two, it is suggested that there remains in place a very considerable tonnage of low-grade ore which some day may prove profitable to extract.

On every west level below the 300, drifting has been continued for distances ranging from fifty feet upwards beyond the westernmost stope without any ground being encountered which justified stoping.

The ore extracted from the mine upon being hoisted to the surface was treated at the mill, reduced to concentrates and from thence transferred to the smelter where it was reduced to lead. From the mill all the waste material spoken of as "tailings" were discharged from the "launders" to the ground and during the course of seventeen years or so a very large pile of tailings containing nearly 900,000 tons has accumulated, covering a fairly large area and extending down to and into the bed of the Snye, where in places it is stated to have reached a depth of about 8 feet. The principal constituent of these tailings is the calcite gangue from the vein which is whitish in colour and marble in character.

The mining, milling, smelting and pumping operations have required the use of a heavy supply of electric power which has been obtained from the Galetta Power Company, now owned by the Respondents.

As is common in most mines, it has been necessary to install underground pumping equipment to get rid of the water flowing or seeping into the workings. Until the fifth level was reached one pump of a capacity of 300 gallons per minute was adequate and was located on the 400-foot level near the shaft. At a later date a new 300-gallon capacity pump was installed on the 525-foot level, the 300-gallon pump on the 400-foot level taken down and installed on the 1,025-foot level, and below that three small pumps of a capacity of about 100 gallons a minute have been installed on each of the 1,150, 1,275 and 1,400-foot levels, and in the later years of operation these pumps, with their accompanying pipes and equipment have constituted the underground pumping plant of the mine. The mode of operation has been for each of the three small pumps to raise the water from the level on which it was located to the level above, for the pump on the 1,025-foot level to raise it to the 525-foot level and for the pump on that level to pump the whole of the water accumulating in the mine to the surface, with the exception of the small quantity of water used below ground in drilling and other operations. From these facts it is clear that the maximum capacity for discharge of accumulated water has been 300 gallons per minute, and the evidence does not indicate that the capacity has been inadequate for the purpose. Other matters relating to mine-pumping, rate of inflow, etc., are referred to hereunder under the heading of "Water Trouble in the Mine."

The actual facts as to the mining and milling operations are largely to be gained from the records thereof given in the weekly reports and letters sent by the superintendent to his head office, and the evidence of the superintendent who gave a very clear picture of such matters. He had, however, little to do with the smelting operations and practically no evidence thereof has been given, but the lack thereof has not materially prejudiced the hearing.

The water supply for the mine, mill and smelter has, apart from the water pumped from the mine, been obtained from the Snye, and that feature has been dealt with hereunder under the heading of "Water Supply."

From 1928 onwards, Mr. Munich stated in his evidence that his advice had been to cease mining operations, but notwithstanding that advice they were continued until 1931, the mine being finally closed down in November of that year when the pumps were removed and water permitted to accumulate below ground. Mr. Munich states that his sole reason for advising cessation of operations was because of the low price to which lead had sunk. He and the other witnesses for the Claimants deny that such advice or the subsequent cessation of operations was because of any exhaustion of the mine, as the Respondents contend has occurred.

The mine is now gradually filling with water, and at the end of January, 1933, the water had reached to a level of about 183 feet below the surface. On 30th September it had then reached a point about 600 feet below the surface.

In addition to the mine itself the only other place at which any actual mining operations have been carried on by the Claimants or their predecessor has been at what is called "No. 4 Pit" situate to the northwest of the mine shaft and near the northwestern end of the present mine workings, if the west levels were projected to the surface.

The exact location of "No. 4 Pit" is best ascertained by reference to the Lundberg Plan (Exhibit 93). At this pit there has been some surface trenching done for a distance of 250 feet. A calcite vein containing galena occupying a fissure in the country rock was opened up and from it during 1927 some 310 tons of ore were extracted. That is the only year in which the Claimants did any actual mining at "No. 4 Pit," and while it is asserted that the lead content was very rich, no evidence as to actual extracted content was given, and no further exploration or development work was done.

Final Summation of Evidence—For Claimants.

The story told by the Claimants' witnesses is that whereas before the Respondents undertook the power development at Chats Falls and expropriated some 544 acres of the Claimants' land, they were the owners of 1,500 odd acres of valuable mineral lands on Chats Island, and the neighbouring mainland. On the property they had a very productive lead mine from which during the past seventeen years there has been obtained over $4,000,000 of lead, and while in places lean or barren areas were encountered the mine is still in the hey-day of production, and can be developed to greater depth, as well as northwestwardly to Chats Lake. The Claimants for their own private purposes have charged nearly all expenditures to operating account, and while that policy may upon examination of their books indicate that the operations have not been profitable, yet such is not really the case. On the contrary a true allocation of the expenditures would disclose that until 1928 the mine had produced a substantial profit which to a great extent has been eaten up by losses incurred in the past three or four years on account of an unfavourable lead market. They anticipate that when times become better, and lead prices come back to a normal level, the mine will be reopened and again yield substantial returns in lead, and be of profit to the shareholders.

Furthermore, not only was the existing mine and its projected extension of great value—not less than $5,000,000 on a conservative estimate—but all the remaining lands were of great value for prospective lead mines. While no actual

exploration work to speak of has been done thereon, yet there can be no doubt, having regard to geological conditions, geophysical indications, and to the actual presence of lead in the existing mine, that the whole of their properties are mineralized with galena (lead sulphite) to an extent which must be assumed to put in the hands of the Claimants the sure promise of being able to reproduce elsewhere in their properties at least one lead mine equal in lead production to the mine which they have been operating since its incorporation.

All of this prosperous past and promising future has been largely destroyed by the actions of the Respondents. Their taking of 544 acres of land including all the valuable water frontage, their interference with continuance of the present mine to its ultimate completion by reason of lands being expropriated, flooding and infiltration. The partial thwarting of the development of a mine at any other point on the property for the same reasons. The loss of the potential power development or power dam site which the Claimants possessed on the river frontage which were of great value, and the complete deprivation of any opportunity to turn the water frontage properties into summer resort or industrial sites, and in addition, the interference with the source of water supply on the Snye, the reduction in quantum of holdings, loss of riparian rights, etc., have all occasioned a very heavy loss which in terms of money can only be measured out on a conservative figure of nearly $2,500,000 which should be paid by the Respondents by way of compensation.

For Respondents.

A short review of the Respondents' side of the issues as disclosed from their evidence discloses an entirely opposite state of affairs to that which the Claimants put forward. While it is true, say the Respondents, through their witnesses and documentary productions, that they have undertaken a power development which necessitates the taking and flooding of a considerable portion of the Claimants' properties, yet as they were of but little value no great harm has been done, and such damages as have been occasioned can be measured out in money at an amount not more than $51,000 which they offered in satisfaction. One or two other elements of damage need not be considered in the light of monetary compensation as the Respondents are willing and have undertaken to restore the Claimants to their erstwhile position.

As to the facts, hypotheses and conjectures relating to the Claimants and their properties, the story unfolded by the Respondents' witnesses is that while it is quite true that lead-mining operations have been carried on by the Claimants and their predecessor since 1914 until 1931, an examination of the Claimants' books and records and of the mine and property discloses a somewhat sorry picture. Instead of having had a profitable enterprise, which started free of debt, the Claimants now owe about $850,000 upon loans obtained to finance their undertaking, and have actually incurred a loss of well over $1,000,000 in twelve years according to their own books.

Apart from that particular aspect, the present mine, whether or not it has been profitable, is in any event at the point of exhaustion, and everything suggests that it should never be reopened. As to the remainder of the holdings which the Claimants owned before the expropriation, geological conditions, geophysical explorations, and the whole general picture all tend to establish almost conclusively that they are not mineralized, and not worth prospecting for lead or any other material. In consequence, say such witnesses, there vanishes the "Castle in Spain" which the Claimants have so elaborately endeavoured to build up as

being something real. The whole thing is visionary, and with its disposal there also disappears any element of mineral values, damages from flooding, infiltration, etc.

Similarly the Respondents' witnesses say that for the reasons they give the Claimants have no potentials in their holdings in respect of summer resort or industrial site properties. In fact, their lands were not in July, 1931, worth more than $15 an acre viewed in any light.

Upon the question of the potentials for power development and site for a power dam, the story unfolded is equally destructive. Not only did the Claimants at the crucial date not possess in themselves any power development possibilities of any value, but furthermore, they never had been possessed thereof. The Chats Rapids being navigable, the properties essential to any economic development being beyond the control of the Claimants, the Respondents themselves having for nearly twenty years owned the key properties, absolutely precluded the Claimants from promoting or sharing in any power project. Again, no economic development was possible unless lake levels were raised.

As to the possession of a valuable site for a power dam the Respondents' expert said that such suggestion was idle, as their properties were neither the only suitable location, but were not in fact utilized. Also that no dam from the Claimants' property was feasible without it necessarily involving the location in Quebec Province of the complete generation of all power produced, which in itself destroyed the possibilities put forward.

In respect of the questions of interference with the source of water supply, and loss of riparian rights and access to water, the Respondents by their undertakings say that all claims for compensation or damage have been satisfied and are removed from the arena.

Findings of Fact.

The several findings of fact hereunder set forth are arrived at upon a consideration of the whole evidence adduced, the weight attaching thereto, impressions gained from observance of the witnesses during the giving of their testimony, an analysis of some of the more useful exhibits, and the inspection visit had by the members of the Board. To avoid, as far as possible, any incorrect findings being made, the whole of the transcript of the evidence for the Claimants has been read twice, and that for the Respondents once. While such reading has been laborious, it has been usefully refreshing in matters of detail. In so far as any of the undernoted matters are ones of mixed law and fact, the findings stated are as to the facts.

1. Claimants' Financial Position.

(*a*) The Claimants have in the operation of their mine, mill and smelter incurred during the period 1919 to 1931 a substantial loss and their undertaking has not in any sense been a profitable one.

(*b*) According to the books and annual statements such losses have exceeded $1,000,000.

(*c*) No readjustment of such books and statements made upon a sound basis, and in accordance with proper accounting practice for mining undertakings would enable the Claimants to establish that their undertaking had been a profitable one. On the contrary, the Claimants' own readjusted accounts show a loss of at least $250,000 over the period without taking into account certain charges properly attributable to operating account.

(*d*) An analysis of the annual statements (Exhibit 23) and of the readjusted statements (Exhibits 33, 34 and 35) establish that if interest, depreciation and depletion at proper rates are charged to operation, as they should be, the loss during the period has been about $700,000.

(*e*) Even making due allowance for adverse conditions in the later years of the period, the facts establish quite clearly that the mine has been a losing venture.

(*f*) There is no conclusion of fact to be arrived at upon the evidence other than that any further operation of the mine will in all probability result in further losses, and the chances of it ever becoming a profitable venture are remote.

2. The Kingdon Mine.

(*a*) Total ore production (1914 to 1931) approximately 905,000 tons.
(*b*) Total lead production (1914 to 1931) approximately 29,000 tons.
(*c*) Average lead content (1914 to 1931), 3.3 per cent.
(*d*) Total ore production (1921 to 1931), 855,628.4 tons.

From stopes	740,099.8 tons
Drifts	93,970.6 "
Shafts, etc	21,558. "
	855,628.4 tons

(*e*) Total lead production (1921 to 1931), 26,079 tons.
(*f*) Average lead content (1921 to 1931), 3.048 per cent.
(*g*) Average lead content (1921 to 1931) attributing all lead as having been extracted from stope tonnage, 3.524 per cent.
(*h*) Lead content by years:

1921	5.266%	If all from stopes 6.350%
1922	3.871%	4.589%
1923	4.662%	5.113%
1924	3.648%	4.509%
1925	3.680%	4.959%
1926	2.974%	3.534%
1927	2.682%	2.945%
1928	2.435%	2.555%
1929	2.421%	2.712%
1930	1.623%	1.978%
1931	2.054%	2.369%

(*i*) Lead content of stopes by levels on basis of average lead content of each year, and that all lead production was obtained from stopes only:

Level	Ore Tons	Lead Tons	Lead %
400	58,806	3022.516	5.139
525	71,911	3466.442	4.820
650	81,213	3466.457	4.268
775	111,433	4386.623	3.936
900	133,411	3919.904	2.938
1,025	111,573	3100.794	2.779
1,150	75,511	2004.974	2.655
1,275	50,234	1143.196	2.275
1,400	30,278	648.567	2.142
	724,370	25159.473	3.473

(Average of total)

(*j*) The evidence and an analysis thereof establishes that with each successive year the lead content of the ore diminished in quantity, and similarly that as the mine went to greater depth the lead content of the ore taken from each successive level also diminished in quantity.

(*k*) Notwithstanding evidences of rich spots here and there on each level, and in each stope, and at faces in the drifts, the evidence all points to the fact that with regard to depth the mine if not petering out is gradually becoming less productive of lead, and it is an inescapable conclusion that in all probability lead is not present in sufficient quantities to justify future reopening of the mine and continuance of mining operations.

3. *Mineralization of Claimants' Properties.*

(i) *Geological Aspects:*

(*a*) The evidence as to the geology of the area is not sufficiently strong to enable any finding to be made that the Claimants' property as a whole is a well-mineralized area. Nor is it possible therefrom to find as a fact that the area to the northwest of the present mine comprising the territory shown on Exhibit 93 is well mineralized.

(*b*) There is nothing in the evidence of the Claimants' geological experts upon which any finding can be made which would in any sufficient degree support the claim that they possessed valuable mineralized areas or that any minerals of commercial value were present in any portions of the lands expropriated or the area in close proximity thereto.

(*c*) On the whole the evidence upon the geological aspects does not bear out any of the Claimants' contentions.

(*d*) No value can be attached to the lands expropriated from the Claimants or to the lands of the Claimants adjacent to and within 1,000 feet or so therefrom as of 23rd July, 1931, by reason of the presence of any minerals therein.

(ii) *Geophysical Surveys:*

(*a*) Interesting as the learned disquisitions were upon the geophysical surveys of the Claimants' properties, and of the "indications" which they gave, it is impossible therefrom to find as a fact that there was or is present in the Claimants' properties generally, or in the expropriated area, or lands adjacent thereto, or in the territory shown on Exhibit 93, minerals in any sufficient quantity to attribute to such lands any special value by reason thereof.

(iii) *General Evidence—Having Regard to All the Evidence with Respect to Mineralization:*

(*a*) Such evidence is too assumptive, hypothetical and theoretical to justify any conclusion or finding of fact that minerals are present in the Claimants' lands or any part thereof, including the expropriated parts thereof, or at any rate, that they are present in sufficient quantities to produce profitable results even if the prices of lead are restored to a much higher level than has obtained during the history of the Claimant Company.

(*b*) The only evidences of fact as to actual presence of galena in the expropriated areas or within 1,000 feet or so therefrom are too sketchy and insignificant, even if believed, to find that such areas may be regarded as mining prospects of any value.

(*c*) The Claimants fail entirely to establish any mineral or mining value to attach to the expropriated areas or to the lands adjacent thereto, and within 1,000 feet or so therefrom.

(*d*) No proximity value attached to any of the Claimants' lands as being mining or mineral prospects adjacent to any existing mine.

4. Summer Resort Values.

(*a*) The evidence for the Claimants does not establish any special values as attaching to their properties generally, because of their suitability or adaptability for development as summer resort properties.

(*b*) Generally speaking the evidence of the Respondents' witnesses upon this aspect is to be accepted in preference to that of the Claimants, which is too far-fetched to rely upon, except as stated hereunder.

(*c*) Comparison of the Claimants' properties with Norway Bay for summer resort purposes cannot usefully be made, except to the detriment of the Claimants' contentions.

(*d*) The possibility of the Claimants' lands fronting on Chats Lake, Parcels 4, 5, 6, 7 and 8, possessing any special value for summer resort purposes is so remote that it must be ignored, or, at best, if it is necessary to be taken into account at all it is so trifling that the amounts actually awarded to the Claimants as set forth in the formal Award are to be regarded as including such value.

(*e*) The Marshall's Bay property, including Parcel 9, is in a somewhat different category, principally from its proximity to the summer colony established on the adjoining property. While the evidence is too sketchy to attribute to the property west of the Mississippi any considerable value from a summer resort standpoint, yet there is a potential value for such purpose, which requires to be presently valued, both with respect to Parcel 9 itself and to the injurious affection of the lands remaining to the Claimants.

(*f*) Summer resort values did not attach to the properties fronting on the Ottawa River.

5. Industrial Site Values.

(*a*) Notwithstanding the evidence for the Claimants upon this aspect it is impossible to find as a fact that any of their properties possessed a special value as a site or sites for industrial purposes. If any such value were now present it could only be attributed to the power development undertaken by the Respondents, but it is difficult to conceive that such development has in fact given the lands any such value.

(*b*) The Finding, therefore, is that the Claimants are not entitled to compensation or damages in respect of industrial sites values.

6. Agricultural Values.

The Claimants having stated that they do not claim their properties to have possessed any values by reason of being suited or adaptable for agricultural purposes this aspect can be ignored, except for the statement that amounts awarded in the formal Award can be regarded as having taken fully into account any values from usefulness of the

properties for any agricultural purposes, including grazing, gardening, etc.

7. Timber Values.

(*a*) In matters relating to quantities of timber standing upon the expropriated lands the evidence of the Claimants' Superintendent Rose is to be preferred to that of Respondents' witnesses. The fact that Rose's cruise was a detailed one made before any trees were cut or lands flooded is alone sufficient to justify that conclusion, in view of the very high regard which must be had to his evidence upon questions of actual fact.

(*b*) It is, therefore, found as a fact that the quantities of timber (or their resultants in terms of cordwood and logs) as shown by Exhibit 37, were present upon the expropriated lands and, except as to the white pine, must be paid for at their proper value.

(*c*) As the white pine did not belong to the Claimants they are not in fact entitled to any compensation in respect thereof, merely because it was growing upon the lands they owned or in proximity to their mine.

(*d*) Upon questions of value of the timber upon the expropriated lands, the evidence for the Claimants given by their General Manager being based largely upon the use of such timber for the purposes of the Claimants' mine, no special value can be attributed thereto in view of the findings hereinbefore made as to the Claimants' mining undertaking.

(*e*) Even if the Claimants' mining undertaking had been or would hereafter be a profitable venture, the values attributed to the timber by Mr. Munich are exaggerated and cannot be allowed.

(*f*) On the other hand, the evidence of the Respondents' witnesses as to the values to be placed upon the timber are not based upon the soundest of conclusions, and are not altogether to be followed.

(*g*) Having regard to the unsatisfactory state of the actual evidence as to value of the timber, and to the fact that in July, 1931, the market for timber was limited, and disturbed by prevailing conditions, the compensation to be awarded must be based upon a valuation of standing timber of somewhat limited present values as of the date mentioned.

8. Riparian Values.

(*a*) This aspect presents difficulties in certain aspects only. Counsel for Respondents upon the Argument admitted as a general proposition that lands possessing riparian rights were of greater value than lands without such rights.

(*b*) Prior to the expropriation the Claimants possessed properties which for the purposes of fact are to be regarded as being one entire property and not as being a number of detached properties, each to be treated separately.

(*c*) This property possessed a very extensive frontage upon the Ottawa River, Chats Lake, and to a limited extent, on the Mississippi River.

(*d*) The expropriation has deprived the Claimants of any frontage whatsoever upon the water, and their remaining lands are now an inland property.

(*e*) The riparian rights which the Claimants formerly possessed are completely lost to them by reason of the expropriation.

(*f*) Notwithstanding that the Claimants' properties did not have attaching thereto any special value, the riparian rights and water frontage were of some value, and compensation for loss of such rights and frontage must be paid.

(*g*) Having regard to the remaining evidence for Claimants and Respondents, and to all the probabilities, the compensation to be paid to the Claimants for loss of riparian rights, other than power rights, and for loss of water frontage, access to water, etc., may be fixed at a lump sum rather than upon a percentage basis of the value which is found to attach to the Claimants' property.

(*h*) In fixing such compensation regard must be had to Respondents' undertaking respecting future access to water, and in addition to the amount of compensation allowed herein the said Claimants are entitled to such access to the water of the Ottawa River and to the Canadian National Railway as is set out in the offer made by the Respondents in connection therewith. (Exhibit 151*b*.)

9. Navigability of Ottawa River.

(*a*) In so far as it is a matter of fact, the Finding is that the Ottawa River, including that portion thereof opposite the Claimants' property fronting on the river, was at the time of expropriation and previously had been a navigable water, and that it had been and was then in fact navigable. The fact that for certain purposes the river at Chats Falls and Chats Rapids had to be passed by a portage does not prevent a Finding in fact that the river was navigable.

(*b*) All of the evidence adduced supports a Finding that the river was navigable. The Claimants did not adduce any positive or affirmative evidence upon which a Finding could be made that the river was in fact non-navigable. If it was non-navigable there is nothing in the evidence to warrant any Finding to that effect.

10. Power Development Values.

(i) *Potential Development:*

(*a*) Although the Finding is that the Ottawa River is a navigable water, it is desirable to deal with the Claimants' contention for compensation for loss of a possible power development valued at $500,000.

(*b*) Any power development, which it was at any time practicable to undertake, of necessity involved the acquisition of properties above and below the lands of the Claimants including the islands, etc., acquired by the Respondents from the Harty-O'Connor interests, and also of properties on the Quebec side of the river.

(*c*) No economic development was possible unless the levels of the waters of Chats Lake were raised so as to make possible generation of power in sufficient quantities to offset the cost of the development.

(*d*) The evidence for the Claimants that a development of 100,000 h.p. was possible by means of "The Kingdon-Egan Island Dam" without any increase in lake levels is too sketchy and indefinite to rely upon.

The evidence of the Respondents that such a scheme was not economically possible is to be relied upon.

(*e*) If it was at one time possible for the Claimants' predecessor in title to have developed power on the Ottawa River, or to have participated in any such development, that possibility vanished to all intents and purposes in 1914 when the Respondents acquired the Harty-O'Connor properties, ownership of which was essential to any development.

(*f*) When the Claimants acquired title in 1919 to the property on the Ottawa River they did not then have, and have not since had any potential value for power development purposes for the reason stated in Clause (*e*).

(*g*) At the time of expropriation there did not attach to the Claimants' property or any part thereof any special element of value in respect of power development possibilities or potential either because of riparian rights, location of the property itself, fall in river levels opposite thereto, or other factor, and the claim on this account fails.

(ii) *Dam Site Value:*

(*a*) The power development scheme suggested by the Claimants' witnesses which comprised a power dam resting upon their property being impracticable from an economic standpoint, fails to give any special value to the property as a site for a power dam.

(*b*) The scheme outlined in the Plan (Exhibit 92) if it had been carried out might have given a special value to the property, if location of the power dam had of necessity to be on that property.

(*c*) The weight of evidence indicates that any other property near the Claimants would have been equally suitable as a site for the power dam, if either of the above-mentioned schemes had been practicable and had come to fruition.

(*d*) The scheme actually undertaken having required the power dam to be located, generally speaking, elsewhere than upon the Claimants' property, then except as to Parcel "A," such property did not in fact possess any special value as a site for a power dam.

(*e*) The Respondents having rested the end of their dam upon Parcel "A" has established for that particular parcel the fact that it was of use as a site for a dam, and it is therefore possible to find a special value attaching thereto. The quantum of such value not having been particularized it is a matter of estimate, and in respect thereof regard must be had to the value of other land upon which the dam rests.

11. Reservoir or Storage Basin Values.

(*a*) While the Claimants did not expressly claim any special value as attaching to their properties as a site for a storage basin in connection with a power development at Chats Falls or Chats Rapids, and did not direct attention to or offer much evidence upon that aspect of the matter, yet the fact is that the Respondents for their purposes and to ensure that full advantage could be taken of power possibilities which were available, actually expropriated the Claimants' lands to utilize them for storage-basin purposes. That is established from the fact that only the surface of the lands was expropriated for flooding

purposes, the Respondents' scheme involving lake levels being increased to 247 feet, which is higher than the surface contours of much of the lands expropriated.

(*b*) The claim for compensation being for the lands taken, then if any special value attached thereto because of them being necessary to flood in the creation of a storage basin, that value must be determined and form part of the compensation to be awarded.

(*c*) The evidence for the Claimants upon this feature is very indefinite. In fact it is difficult to find that any attention was paid to this element by any of the Claimants' witnesses. The only evidence upon the point is that which gives the values of other lands acquired by the Respondents upon Chats Island, and on the Quebec shores, in so far as it may be found that they have been acquired for storage-basin purposes.

(*d*) The other properties referred to in the evidence of which it may be said that they were requisite for storage-basin purposes, appear to be the Cowley-Murphy, Gillies, Reid, Willis, Steen, Caras and Egan properties on Chats Island and the properties on the Quebec side mentioned by Respondents' witnesses, Ross and Laderout. In part the Reid and Egan properties were acquired for purposes other than flooding.

(*e*) It is to be found, therefore, as a fact, that the properties expropriated by the Respondents from the Claimants were taken for storage-basin uses, that they were necessary for such purposes, and that any compensation to be paid must take into account any special element of value attaching on that account.

(*f*) The Claimants failing to establish in any clear manner the quantum of such value, it becomes a matter of estimation.

12. Water Supply from the Snye.

(i) Prior to the Respondents undertaking their power development the Claimants obtained their supply of water for their mining and other business purposes, and for the domestic and sanitary purposes of the mining settlement and its population from the Snye.

(*a*) The water supply from such source was adequate to the needs of such purposes and if the head of the Snye had not been dammed by the Respondents it would have continued adequately to serve such purposes.

(ii) Nature and extent of damage occasioned by reason of the Respondents having interferred with the Snye as a source of water supply for the purposes of the Claimants and their property:

(*a*) The dams erected by the Respondents at the head of the Snye and the rights they have acquired to control the flow of water through the Snye are such that all flow of water from the Mississippi into the Snye could be stopped.

(*b*) If such flow was stopped, the water supply required for the Claimants and their properties would be completely shut off, and compensation would have to be awarded on that basis, measured by the cost of obtaining a supply from another source.

(*c*) The quantum of compensation to be awarded in such event would depend upon findings as to the future uses to which the Claimants'

property could be put, particularly in respect of future mining operations.

(*d*) Determination of such matters would be exceedingly difficult if the right of the Claimants to obtain a supply from any source beyond the confines of their own properties as they remained after the expropriation had to be considered.

(*e*) In view of the Respondents' undertaking in respect of supply of water and right to the Claimants to install pipe lines, it is unnecessary to deal with that particular aspect of the case except as to the cost to which the Claimants may be put if a new source of supply must be found. If it were necessary to deal with the matter without regard to such undertaking then the Finding is as stated in the next subsequent clauses hereof.

(*f*) Regardless of the Respondents' undertakings and assuming a new source of supply would have to be found and a pipe line installed, the next question to be determined is whether in view of the findings upon the probabilities as to future mining operations, there is any likelihood that any substantial supply of water will ever be required for the Claimants' purposes or for domestic and sanitary purposes, and, if so, when.

(*g*) In respect of the foregoing the Finding is that as the likelihood of a new water supply being sought and a pipe line installed is now problematical and somewhat of a remote possibility, the amount to be awarded for loss of or interference with the course of water supply cannot be substantial, and could not exceed $25,000.

(*h*) The foregoing Finding being made without regard to the Respondents' undertakings, consideration therefore in respect of mitigation of damage is deferred to be dealt with under the heading of "Respondents' Undertakings."

13. Amenity Value of Snye.

(*a*) As the Claimants' undertaking brought upon their properties a resident population dependant upon the mine operations, then the Snye possessed an amenity value attaching to the property as it afforded an opportunity for boating, swimming and other aquatic pursuits.

(*b*) If it were possible to find that in future the Claimants' property would attract to it a considerable resident population the amenity value of the Snye would have continued to attach.

(*c*) The Respondents' action in damming and thereby shutting off or materially reducing the flow of water down the Snye has destroyed such amenity value.

(*d*) The Claimants are entitled to compensation for such loss, the quantum depending on the view taken upon the probabilities of the future uses to which the Claimants' properties will be put, and of any considerable population being resident thereon.

(*e*) Having regard to the findings in the other branches of this case, the amount to be awarded for loss of amenity value of the Snye cannot be substantial.

14. Ordinary Values.

(*a*) Apart from elements of special values dealt with in the foregoing findings of fact, it is impossible to find that the Claimants' properties had any substantial value.

(*b*) The properties not being in an urban or suburban area, not possessing any qualities which fit them for agricultural purposes, except perhaps for grazing, and presenting in appearance what might be called lands of a somewhat wild and rocky nature fairly well covered with trees and bush—almost virgin territory—are of little value for ordinary purposes when measured in terms of money.

(*c*) The foregoing applies equally to practically all parts of the Claimants' properties, including the expropriated properties. The portion occupied for the mining village may be in a different category, but it is unnecessary to consider that aspect for any purpose of this arbitration, except in connection with the Snye water supply and amenities.

(*d*) If the Respondents had not come upon the ground, the ordinary value of the Claimants' properties would have been very small, certainly not more than a few dollars per acre.

(*e*) The Respondents having expropriated portions of their lands, the Claimants are entitled to be compensated therefor on a basis requiring consideration of every element of value and according to the established principles which prevail when lands are compulsorily acquired. It is value to the owner, not the value to the taker, and all present and potential uses are to be taken into account and presently valued in fixing the compensation.

(*f*) After taking all these matters into consideration it is impossible to attribute to the Claimants' lands any great value for ordinary purposes. Apart from the special elements, in so far as they create a special value, the finding as to compensation to be awarded for the lands actually expropriated from the Claimants could not be in in excess of $15 per acre.

15. Injurious Affection.

(i) *Effect of Expropriation upon Remaining Property:*

(*a*) Prior to expropriation the Claimants' holdings to be treated as an entirety covered about 1,500 acres.

(*b*) The Respondents having taken about 545 acres have reduced the size of the holdings by over one-third.

(*c*) The Claimants' holdings were a property with considerable water frontage with riparian rights. The lands remaining to them are inland properties without riparian rights.

(*d*) The Claimants had a property through which a railway crossing turns affording possibility of railway facilities for any commercial or industrial purposes to which the property might be put. Direct access from the remaining holdings to the railway has been cut off.

(*e*) In some other aspects the expropriation has changed the character of the Claimants' holdings. So far as they are of consequence they are dealt with elsewhere.

(*f*) If findings in other branches had been different, the contraction of the holdings, the loss of acreage, riparian rights, access to water, etc., would have prejudicially affected the value of the remaining holdings for mining, industrial and summer resort purposes.

(ii) *Extent of Monetary Depreciation from Injurious Affection:*

(*a*) The findings being what they are in respect of mining, industrial, summer resort and other purposes, no amount can be allowed in these respects for injurious affection except as to the Marshall's Bay property, Parcel 9, from summer resort standpoint.

(*b*) No depreciation in ordinary values of the remaining lands arises from the expropriation or the exercise by the Respondents of their powers except as hereinafter stated.

(*c*) The remaining lands are injuriously affected by loss of access to water and of riparian rights, the quantum of damage not being substantial.

(*d*) Loss of direct access to railway facilities gives little, if any, loss which can be measured in money.

(*e*) Evidence as to the extent of the depreciation in value of the remaining lands is somewhat indefinite, and at best only surmise. It is possible, however, from the evidence to arrive at an estimate or measure upon which to base the amount to be awarded which under all the circumstances is unsubstantial.

16. Summation of Findings of Fact.

1. The Claimants' enterprise has been a financial failure and chances of success in the future are very remote.
2. The Kingdon Lead Mine has not on the whole contained lead in sufficient quantities to make operation profitable. The lead content has reduced in the lateral and vertical extensions of the workings, and the indications suggest that the mine is petering out.
3. There is no evidence upon which it is possible to justify a finding that (*a*) minerals in quantity are to be found under the expropriated lands or adjacent thereto, (*b*) that such mineralization is galena, or (*c*) if minerals (galena) are present, that they are present in such quantities that they could be profitably mined. Therefore no compensation is to be allowed in respect thereof.
4. No summer resort values attached to the property, except to a limited extent in respect of the Marshall's Bay property, for which some compensation is to be allowed.
5. The property did not possess any value for industrial sites purposes.
6. The property was unsuited to agricultural pursuits.
7. The Respondents expropriated a quantity of standing timber not of great value, but for which compensation is to be allowed.
8. The property remaining to the Claimants having been cut off from access to water and riparian rights being lost, compensation is to be allowed therefor.
9. The Ottawa is a navigable river, and is navigable opposite the Claimants' property fronting thereon.
10. The Claimants did not possess any rights in respect of a potential power development and their property had no value attaching to it on that account, or as a suitable site for location thereon of a power

dam, except that Parcel "A" did have some value as a site whereon to rest the end of the Respondents' power dam.

11. The expropriated property did, however, have a value for storage-basin purposes, and was taken for such purpose, and such value is to be taken into account in awarding compensation.
12. As the Finding is that no compensation can be allowed for loss of minerals and mining rights, then no allowance can be made for damages which might be occasioned from mine flooding by infiltration from the areas flooded by the water levels in Chats Lake being raised.
13. The damming of the Snye will interfere with the source of the Claimants' water supply for which compensation is to be awarded.
14. And also the damming of the Snye deprives the Claimants' property of an amenity value which attached, for which compensation is to be awarded.
15. Injurious affection to the Claimants' remaining lands resulting from the expropriation and the exercise by the Respondents of their powers is confined to Marshall's Bay property, loss of access to water, loss of riparian rights, and the compensation to be awarded is unsubstantial.

17. Respondents' Undertaking to Mitigate Damages.

Access to Water:

(*a*) The undertaking tends to mitigate damages, but does not remove them altogether.

(*b*) A proprietary right of access to water and in other riparian matters being more valuable than rights obtained by grant operating over the property of another person, it is proper to award some compensation, notwithstanding the undertaking, and in addition to the same being carried out.

(*c*) The amount which would have been awarded if no undertaking had been filed would not, in view of the general findings, have been substantially more than the amount to be awarded.

The final and amended claim of the Claimants as filed is divided into Paragraphs I, II, III, IV.

As to Paragraph I (1) being a claim for the taking of the surface rights of the expropriated land, namely, 544.84 acres at $50.00 an acre, we would allow to the Claimants the full amount asked therefor, $27,242.00.

As to Paragraph I (2) being a claim for the loss of other rights reserved thereon, we make no allowance save and except an extra allowance of $150.00 an acre for 3.04 acres used as the location for Respondents' dam, $456.00.

Paragraph I (3) is a claim of $40,000.00 for the loss of timber on the expropriated property. The timber on this land, excluding the white pine, was variously estimated by the witnesses. Mr. Rose, called by the Claimants, stated that he had gone over the property very carefully and that in his opinion the timber on the stump was worth $15,200.00, while Mr. McKague, called by the Respondents, estimated the value of the timber at $2,658.41, and Mr. Lunam, another Hydro witness, fixed the value at $2,435.80. We feel that a fair and reasonable amount to allow the Claimants for the said timber is $8,000.00, and we so award.

Paragraph II (1): Parcel 9 of the land expropriated is better known as the Marshall's Bay property, and consists of 79.4 acres. This is rather superior to the balance of the land taken and is referred to as suitable for summer resort purposes. For this parcel we would allow $200.00 an acre, or an additional $11,910.00 over and above the amount already set out.

Paragraph II (2): No allowance is made for the claim herein set out, being loss of extra value of Parcels 1, 2, 3, 4, 5, 6, 7 and 8 as bordering on the water, as this is all taken into consideration when fixing the price of the land taken as $50.00 an acre.

Paragraph II (1), (3): The taking of the Claimants' lands along the water front undoubtedly reduces the value of the remaining property owned by The Kingdon Mining, Smelting and Manufacturing Company, whether that remaining land is mineralized or otherwise, and while the offer of the Hydro-Electric Power Commission of Ontario, as set out in Exhibit 151*b*, confers a certain right or easement over the expropriated land to the water's edge, this is not the same as goes with the actual ownership, and we fix the damages occasioned thereby at $5,000.00, in addition to the concession granted by Exhibit 151*b*.

Paragraph II (4), (5): We find from the evidence that the Ottawa River is a navigable river. We cannot see that the land in question is especially suited for the erection of a dam across the river as suggested, even if the Claimants had authority to construct such a work. The property is not specially adapted for an industrial site, but for any riparian rights attaching to the expropriated lands, we allow the sum of $5,000.00, and this sum would remain the same whether the Ottawa River is held to be a navigable or a non-navigable stream.

Paragraph III (1), (2), (3): Much evidence was offered as to the mineral deposits on the land expropriated, but apart from the fact that the said land was located in proximity to The Kingdon Lead Mine on Chats Island, there was no definite evidence to establish that there was any mineral on, in or under the said expropriated property, and certainly none to even suggest the presence of lead that could be profitably mined, and as heretofore set out The Kingdon Mine as worked for the past ten or twelve years does not appear, from the documents filed, to have been a profitable undertaking.

Dr. Eve and Dr. Keyes, called by the Company, would not say that they had found any indications that would warrant the expenditure of money to explore this land. The furthest Dr. Eve would go was to say that he had located some so-called Hot Spots—one just at the edge of the land taken—and that while he would not advise expending money investigating he would say: "If you are going to investigate or explore, here (meaning a Hot Spot) would, in my opinion, be the best place to try first."

Mr. Lundberg, an expert geophysist, called by the Hydro-Electric Power Commission of Ontario, on the other hand stated definitely that there is no mineral on the expropriated land that could be worked with profit. This also applies to the land lying within a distance of 1,000 feet of the expropriated area, and for which a large claim is made for damages due to infiltration. The theory is advanced that owing to the cracks and fissures in the whole island the flooding of the expropriated land will cause water in large quantities to filter or percolate through, thereby making the working of the land as mining land very much more difficult. That water now flows into the present working of the mine is admitted, but whether the water comes from the nearby river, or from the surface, or from the natural drainage of the soil, is only conjecture. If, therefore, the land taken by the Respondents is not mineralized, or if it is not so mineralized as to be profitably worked, no extra allowance could be made for that part of the claim, and if

there is not sufficient evidence to warrant us in saying that, due to fissures or otherwise, the raising of the level of the water would injuriously affect the adjoining lands, we could not consider any extra allowance for infiltration. Therefore as to Paragraph III (1), (2), (3), we make no allowance.

Paragraph IV (1), (2): To raise the water on Chats Lake the Hydro-Electric Power Commission of Ontario found it necessary to build a dam across the mouth of the Snye, and may thereby entirely cut off the flow of the water therein. From this stream The Kingdon Mining, Smelting and Manufacturing Company received its water supply, and the action of the Respondents in this respect, no doubt, very seriously affected the Claimant Company.

The damages claimed amount to $100,000.00, and for the purpose of meeting this claim either in whole or in part the Respondents filed with the Board, under Section 37 of "The Public Works Act," the following offer:

Undertaking

BY

The Hydro-Electric Power Commission of Ontario

Under authority conferred by "The Power Commission Act," being R.S.O. 1927, Cap. 57, and amendments thereto, and "The Ontario Public Works Act," being R.S.O. 1927, Cap. 52, and amendments thereto, and other Acts applicable, and in the matter of the claim by The Kingdon Mining, Smelting and Manufacturing Company, Limited.

1. The Hydro-Electric Power Commission of Ontario hereby undertakes so to alter or add to its works or dams on the Mississippi River, Mississippi Snye as to permit the passage through the Mississippi Snye of sufficient water to supply the requirements, when in operation, of the mine, mill, smelter and/or industrial plant of The Kingdon Mining, Smelting and Manufacturing Company, Limited, as at present existing or as the same may be hereafter extended or added to, and sufficient to supply the requirements for domestic and sanitary purposes of the said Company and of its employees from time to time working or residing upon Chats Island in the Township of Fitzroy in the County of Carleton, the amount of water so to be made available in the said Snye to be determined from time to time by the amount of water the Company may desire to pump, and shall pump, for such requirements, but not to be less than 4,000 gallons per minute when the said mine, mill, smelter and/or industrial plant or any of them is in operation, nor less than 1,500 gallons per minute at any other time.

2. The Commission further undertakes, should additional water be required to prevent a nuisance arising in pools of the said Snye adjacent to the Company's property, to permit to flow through the said Snye from time to time past the Company's lands such additional quantities of water as will prevent such nuisance arising. If any differences of opinion arise between the Company and the Commission as to the amount of water necessary for such purpose, the Commission undertakes to abide by the decision of the Department of Health of Ontario.

3. The foregoing undertakings shall be binding upon the Commission, its successors and assigns, and shall enure to the benefit of the successors and assigns of The Kingdon Mining, Smelting and Manufacturing Company, Limited.

Dated the 18th day of February, 1933.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.
C. ALFRED MAGUIRE,
Vice-Chairman.

Witness:
HAROLD A. C. BREULE.

W. W. POPE,
Secretary.

(Seal)

Is the above such an offer as is contemplated by the Section of "The Public Works Act"? It will be seen that the suggested alteration is not in itself sufficient to provide the supply of water mentioned, but that this supply is regulated from time to time by other means than the suggested alteration. We find that the said proposition is not such an alteration as is contemplated by Section 37 of "The Public Works Act," being Chap. 52, R.S.O. 1927, and we assess the damages in connection with the dewatering of the Snye at $25,000.00. If in this we are in error, and if in another tribunal it is held that the said offer filed by the Respondents, The Hydro-Electric Power Commission of Ontario, is within Section 37 of the said "The Public Works Act," then in view of such undertaking by the Respondents, we fix the damages payable to the said Claimants, in addition to the carrying out of the said undertaking, at $10,000.00.

For the loss of other advantages attaching to the Claimants' property we would allow $1,000.00.

We therefore award to the Claimants in respect of their claim as filed, and order and direct that the Respondents, The Hydro-Electric Power Commission of Ontario, shall pay to the said Claimants, The Kingdon Mining, Smelting and Manufacturing Company, in full of the claim as above set out the sum of $88,368.00 and interest (or in the alternative as hereafter set out $73,368.00 and interest) made up as follows:

Paragraph I (1): Value of land expropriated as such	$27,242.00
Paragraph I (2): Claim for loss of rights reserved, 3.04 acres	456.00
Paragraph I (3): Value of timber	8,000.00
Paragraph II (1), (2): Additional value of 79.4 acres of land known as Marshall's Bay property, $150.00 per acre extra	11,910.00
Paragraph II (2) and (3): Damages to Parcels 1, 2, 3, 4, 5, 6, 7 and 8 through loss of access to water (in addition to rights granted in Exhibit 151*b*)	5,000.00
Paragraph II (4), (5): Claim for riparian rights, etc	5,000.00
Paragraph III (1), (2), (3): Claim for loss of minerals and damages by flooding	Nil
Paragraph IV (1) and (2): Damages for the dewatering of the Snye, not allowing any reduction in claim by reason of the offer made by the Hydro-Electric Power Commission of Ontario	25,000.00
For the loss of other advantages	1,000.00
	$83,608.00

OR

If the offer made by The Hydro-Electric Power Commission of Ontario to reduce the damages claimed under Paragraph IV (1) and (2), is to be considered, then the damages so allowed are to be reduced by $15,000.00, making the full claim, in addition to the carrying out of said offer $68,608.00

In addition thereto there shall be added for forcible taking 10 per cent. of the value of the land and timber, $4,760.00, making a total award of $88,368.00 (or, in the alternative, if the offer of the Respondents as to the Snye is to be considered, $73,368.00), and interest on the full amount of said award at the rate of 5 per cent. per annum from the 23rd day of July, 1931, the date of expropriation, until payment.

We therefore order and direct that the said Respondents shall pay to the Claimants the sum of $88,368.00 (or, in the alternative, as above set out $73,368.00), in full of all claim that the said The Kingdon Mining, Smelting and Manufacturing Company has against them in respect of any of the matters claimed herein, and interest thereon as above mentioned.

We further direct that the said Hydro-Electric Power Commission of Ontario shall pay the costs of the Arbitrators.

We further order and direct that the said Respondents shall pay to the Claimants their costs herein, as taxed on the scale of the Supreme Court of Ontario by the Taxing Officer at Osgoode Hall, Toronto.

There appears to have been a second expropriation made by the Respondents in that they desired to make an examination of the Claimants' properties and expropriated the right to pass in and out on the properties for that purpose. This expropriation having taken place subsequent to the reference made it is questionable if we either as a Municipal Board or as Arbitrators have anything to do with the matter.

However, at page 4861 of the evidence there appears to be an admission on the part of Mr. Bristol as acting for the Respondents to this effect:

"I am willing to admit, and my friend accepts, that The Kingdon Mining, Smelting and Manufacturing Company has been put to costs and expenses, including legal costs, of $500.00, and I am admitting the $500.00, but I am not admitting that they are entitled to be awarded that as compensation."

Referring to this suggestion Mr. Mason for the Kingdon Mining, Smelting and Manufacturing Company says:

"My friend and I discussed it and I think the amount involved would be probably over what my friend suggested, but I think if it were noted that $500.00 be taken as the amount it would be satisfactory."

From this discussion we presume that the payment of $500.00 by the Respondents to the Claimants in connection with the expropriation lastly referred to has been agreed upon, and that this Board is not asked to pass one way or the other on the question, no evidence having been submitted in connection therewith.

In witness whereof the members of The Ontario Municipal Board have set their hands and affixed the seal of the said Board, and the said Charles R.

McKeown, James A. Ellis and Herbert L. Cummings as Arbitrators have signed this award this 14th day of March, A.D. 1933.

(Sgd.) C. R. McKeown,
Chairman.

(Sgd.) J. A. Ellis,
Vice-Chairman.

(Seal)

(Sgd.) Herbert L. Cummings,
Commissioner.

(Sgd.) C. R. McKeown, (Seal)
Witness: (Sgd.) J. A. Ellis. (Seal)
(Sgd.) H. C. Small. (Sgd.) Herbert L. Cummings. (Seal)
Arbitrators.

Procedure File A-4310

In the matter of the Petition of The American Cyanamid Company, and others, under Section 20 of "The Municipal Act," for annexation to the City of Niagara Falls of part of the Township of Stamford.

February 16th. Subpoena taken out by Messrs. Long & Daly, Agents for Solicitors for the Township of Stamford.

Mar. 11th. Hearing 10.30 a.m. to 12.40 p.m.. Board's Chambers.

Hearing concluded. Judgment reserved.

May 5th. Order. (No other judgment issued.)

May 26th. Rehearing, pursuant to arrangement, 10.30 a.m., 10.40 a.m. to 12.10 p.m. Adjourned to 10.30 a.m., May 31st, 1933. If time for appeal allows, application for stated case will be heard by the Board at 10.30 a.m., June 20th, 1933. (See Reporter's Notes.)

May 31st. Hearing continued, 10.30 a.m. to 12 md. Application for stated case dismissed.

June 10th. Motion by County of Welland and Township of Stamford for leave to appeal, dismissed. (1933. See O.W.N., 470.)

October 14th. Motion for approval of security on appeal to Privy Council dismissed. (1933, O.W.N., 657.)

May 5th, 1933.

Order

Upon the application of the said Petitioners, being the majority of the assessed owners of properties in that part of the Township of Stamford proposed to be annexed, upon reading the said Petition, and the Declarations of William John McBurney of the said City of Niagara Falls, John J. Harriman of the said City of Niagara Falls, and Fred Campbell McBurney of the said City of Niagara Falls, duly filed, and the Resolution of the Council of the Corporation of the said City of Niagara Falls, declaring that it is expedient that the said properties hereinafter more fully described, shall become annexed to the said City of Niagara Falls.

The Board orders and directs that all and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Stamford,

County of Welland, Province of Ontario, and being composed of part of Township Lots Fifty-nine (59), Seventy-four (74), and Seventy-six (76), part of the original road allowance between said Lots 74 and 76, all of the original road allowance between Lots Seventy-seven (77) and Seventy-six (76) and part of the original road allowance between Lots 73 and 74, which said lands are more particularly described as follows:

Commencing at a stone monument at the northeast angle of Township Lot No. Ninety (90); thence south 88 degrees and four minutes east across Stanley Street and along the southerly limit of Township Lot No. 76, a total distance of 2,799.5 feet to the westerly limit of the right-of-way of the Michigan Central Railway Company, formerly the Erie and Niagara Railway; thence north 31 degrees and 27 minutes west in the westerly limit of the said right-of-way 127.3 feet; thence north 28 degrees 19 minutes west continuing in the westerly limit of said right-of-way 143.5 feet; thence north 23 degrees 47 minutes west continuing in the westerly limit of said right-of-way 180.3 feet; thence north 18 degrees 30 minutes 30 seconds west continuing in the westerly limit of said Michigan Central Railway 2,190.46 feet; thence south 71 degrees 29 minutes 30 seconds west seven feet to the southerly limit of the eighty-foot right-of-way of the Canadian National Wabash Railway old main line; thence northerly and westerly in the said southerly limit of the said Canadian National Wabash Railway, old main line, on a curve to the left having a radius of 1,878.7 feet, a total distance of 1,369.1 feet to the easterly limit of the right-of-way of the Queenston to Chippawa Power Canal of the Hydro-Electric Power Commission of Ontario which limit is parallel to the centre line of said power canal and at a distance of 200 feet measured southeasterly in a direction at right angles to said centre line; thence south 28 degrees 15 minutes and 30 seconds west along the easterly limit of the said power canal right-of-way 1,794.9 feet to and across the original road allowance between Township Lots 73 and 74 to the westerly limit of said road allowance; thence south 0 degrees 24 minutes and 30 seconds west in the westerly limit of said road allowance 197.18 feet to the southeasterly angle of Township Lot No. 73; thence south 1 degree 16 minutes and 15 seconds west 65 feet to the northeast angle of Township Lot No. 77; thence south 0 degrees 40 minutes and 15 seconds west along the westerly limit of Stanley Street 1,334.6 feet to the place of beginning, containing by admeasurement 139.69 acres, be and the same is hereby annexed to the Corporation of the City of Niagara Falls as of the 31st day of December, 1933, upon the terms and conditions as to the adjustment of assets and liabilities, taxation, assessments, improvements or otherwise, as follows:

(*a*) That all taxes imposed by the Township of Stamford on the said annexed lands for the year 1933, and any or all arrears of taxes on said lands, if any, shall belong to the said Township of Stamford, and may be collected as provided by "The Municipal Act" or "The Assessment Act."

(*b*) That the school debenture indebtedness chargeable against the said lands in respect of any school section in the Township of Stamford for which debentures have been issued, and for which previous to this annexation the lands herein were liable, shall be paid by the City of Niagara Falls to the Township of Stamford from time to time according to the tenor of the existing debentures in that behalf based on the township assessment for the year 1933 as finally revised, and the City of Niagara Falls shall be entitled to collect from the said annexed properties any taxes payable by the said City of Niagara Falls to the Township of Stamford in connection with the said school debenture indebtedness.

(*c*) In the adjustment of the assets and the liabilities as between the Township of Stamford and the City of Niagara Falls, such adjustment shall be based upon the township assessment for the year 1933 as finally revised, and the township assessment of the lands annexed for the year 1933.

(*d*) Notwithstanding anything hereinbefore contained all adjustments pursuant to the provisions of Section 38 of "The Municipal Act" shall be made as of the 31st day of December, 1933.

(Sgd.) C. R. McKeown,
Chairman.

(Seal)

(Sgd.) J. A. Ellis,
Vice-Chiarman.

Procedure File A-4351

Application by the City of Toronto, under Section 398, Subsection (*2b*) of "The Municipal Act," for approval of its By-law No. 13750, repealing its Restricted Area By-law No. 12604 in so far as it prevents the erection of rink-building on lands of Upper Canada College on south side of Kilbarry Road.

January 9th. Hearing continued, 10.30 a.m. Adjourned (at request of Parties) to 10.30 a.m., January 19th, 1933, at the Board's Chambers.

January 19th. Hearing continued, 10.30 to 10.40 a.m. Adjourned at request of Counsel to February 20th, 1933, at 10.30 a.m.

February 20th. Hearing continued, 10.30 to 10.50 a.m. Application withdrawn.

Procedure File A-4399

In the matter of Section 77*a* of "The Highway Improvement Act," and
In the matter of the Claim of Thomas J. Mahony and Edward J. Mahony, against the Department of Public Highways of Ontario for compensation in respect of the expropriation of part of Lot Number 27, Concession I, in the Township of Saltfleet, in the County of Wentworth.

January 9th. Approved draft Award filed.

January 11th. Award issued.

Award

To all to whom these presents shall come:

The Ontario Municipal Board sends greeting.

The Department of Public Highways of Ontario having expropriated a part of Lot No. 27, Concession I, in the Township of Saltfleet, in the County of Wentworth, and pursuant to the Statute in that behalf, the Claimants having applied to The Ontario Municipal Board to fix the compensation to be paid in connection therewith, the said Board sat on Monday and Tuesday, the 12th and 13th days of December, 1932, for the purpose of receiving evidence and hearing argument in connection with the said Claim.

The Board having fully gone into the matter has decided that the amount of compensation to be paid by the Department of Public Highways to the said

Claimants in full for their claim for property taken and for injurious affection, and for every claim the Claimants have in connection with this application, including any claim for interest and forcible taking, the sum of Two Thousand and Five Hundred Dollars ($2,500.00) and that in addition thereto the Department of Public Highways of Ontario shall pay to the Claimant their costs of this application fixed at Two Hundred and Fifty Dollars ($250.00).

In witness whereof the Chairman and Commissioner of The Ontario Municipal Board have hereunto set their hands and have caused to be affixed the Seal of the Board this Eleventh day of January, 1933, at the City of Toronto, in the Province of Ontario.

(Sgd.) C. R. McKeown,
Chairman.

(Seal)

(Sgd.) H. L. Cummings,
Commissioner.

Procedure File A-4400

Between:

The Dominion Natural Gas Company, Ltd.,
Appellant,

—and—

The Corporation of the Township of Walpole,
Respondent.

(Assessment Appeal—Property, $163,300.00; Income, $93,800.00)

March 20th. Hearing, 9.20 a.m., Court House, Hamilton. Judgment *viva voce* fixing assessment of land at $163,300.00 and income at $61,500.

Procedure File A-4401

Between:

The Dominion Natural Gas Company, Ltd.,
Appellant,

—and—

The Corporation of the Township of Oneida,
Respondent.

(Assessment Appeal—Property, $73,000.00; Income, $18,250.00)

March 20th. Hearing, 9.20 a.m., Court House, Hamilton. Judgment *viva voce* fixing assessment on land at $55,000.00 and income at $6,200.00.

Procedure File A-4420a

In the matter of the application of the Roman Catholic Separate School Board of the City of Windsor, under Part VI of "The Ontario Municipal Board Act, 1932," for the exercise by the Board of its jurisdiction thereunder.

June 23rd. Hearing, Court House, Town of Sandwich. Order made, Supervisors of the City of Windsor to carry on.

July 7th. Order issued.

June 23rd, 1933.

ORDER

Upon the application of the Board of Trustees of the Roman Catholic Separate Schools for the City of Windsor heard this day at the Court House, in the Town of Sandwich, in the County of Essex, for an Order under Part VI of "The Ontario Municipal Board Act, 1932," vesting in Supervisors control and charge over the administration of all of the affairs of the said Board, and to declare that it shall be subject to the provisions of said Part VI of the Act, and upon enquiry it appearing that the said Board has failed to meet and pay its debenture indebtedness and other obligations as the same became due and after payment thereof had been duly demanded, and it also appearing that the default in payment has been occasioned from financial difficulties affecting the said Board, and that it is so financially involved and embarrassed in meeting its obligations that further defaults herein may ensue,

This Board doth order that the administration of all of the affairs of the Board of Trustees of the Roman Catholic Separate Schools for the City of Windsor, as in Part VI of "The Ontario Municipal Board Act, 1932," is provided be, and the same is hereby vested in a Committee of Supervisors to be known as "The Supervisors of the Board of Trustees of the Roman Catholic Separate Schools for the City of Windsor," and hereafter and until this Board shall otherwise determine and order doth further order and declare that the said Board shall be subject to the provisions of Part VI of "The Ontario Municipal Board Act, 1932."

This Board doth further order that notice that the said Board of Trustees of the Roman Catholic Separate Schools for the City of Windsor has become subject to the provisions of Part VI of "The Ontario Municipal Board Act, 1932," shall be given in *The Ontario Gazette*, and in *The Border Cities Star*, a newspaper published in the City of Windsor, in the County of Essex, and in *The Financial Post*, a newspaper published in the City of Toronto in the County of York, by publishing therein a notice once a week for three weeks in the form following, namely:

"THE ONTARIO MUNICIPAL BOARD

"Notice is hereby given that the Board of Trustees of The Roman Catholic Separate Schools for the City of Windsor has become subject to the provisions of Part VI of 'The Ontario Municipal Board Act, 1932,' by an Order of The Ontario Municipal Board bearing date the 23rd day of June, 1933, and from and after the first publication of this notice in *The Ontario Gazette* all actions or proceedings against the said Board are stayed and thereafter no action or other proceeding against the said Board shall be commenced or continued nor shall a levy be made under a Writ of Execution against it without leave of The Ontario Municipal Board.

"Dated this 23rd day of June, A.D. 1933.

"H. C. SMALL,
"*Secretary of The Ontario Municipal Board.*"

And it is further ordered that the Supervisors of the City of Windsor shall and the same are hereby appointed to act as "The Supervisors of the Board of Trustees of the Roman Catholic Separate Schools for the City of Windsor."

(Sgd.) C. R. MCKEOWN,
Chairman.

(Seal)

PROCEDURE FILE A-4444

Application by the City of Toronto, under Section 398 of "The Municipal Act," for approval of its By-law No. 13771, restricting, to private residences, portions of Clendenan Avenue, Glendonwynne Road, Quebec Avenue and Evelyn Crescent.

January 9th. Hearing, 10.30 A.M. Adjourned at request of Parties to 10.30 A.M., January 19th, at Board's Chambers.

January 19th. Hearing continued, 10.30 to 10.40 A.M. Adjourned ta request of Counsel to January 30th, 1933, at 10.30 A.M.

January 30th. Hearing continued, 10.30 to 10.35 A.M. Application granted. By-law 13771 approved as amended by By-law 13832. Applicant's Solicitor to draft Order.

February 7th. Draft Order filed.

February 7th. Order issued.

January 30th, 1933.

ORDER

The application of the Corporation of the City of Toronto, pursuant to Section 398 of "The Municipal Act," being R.S.O. 1927, Chapter 233, for approval of its By-law Number 13771, having come on for hearing by appointment before this Board on Monday, the 9th day of January, 1933, in the presence of a number of property owners affected, and having been adjourned until Thursday, the 19th January, 1933, when, upon reading the said By-law and the other material filed, in the presence of Counsel for the Applicant and a number of property owners affected or their Counsel, and it appearing that there were certain objections to the said By-law, the said application was further adjourned until this day, and the same having come on this day for hearing,

The Board orders, under and in pursuance of Section 398 of "The Municipal Act," being R.S.O. 1927, Chapter 233, that By-law No. 13771, being intituled "No. 13771, A By-law to prohibit the use of land or the erection or use of buildings for any other purpose than that of a private residence on land abutting on portions of Clendenan Avenue, Glendonwynne Road, Quebec Avenue and Evelyn Crescent," as amended by By-law No. 13832, being intituled "No. 13832, A By-law to amend By-law No. 13771 prohibiting the use of land or the erection or use of buildings for any other purpose than that of a private residence on land abutting on portions of Clendenan Avenue, Glendonwynne Road, Quebec Avenue and Evelyn Crescent," and the said By-law No. 13832, be and the same are hereby approved.

(Sgd.) C. R. MCKEOWN,

(Seal) *Chairman.*

PROCEDURE FILE A-4456

In the matter of the application of the Corporation of the City of Ottawa, under Section 8 of "The Local Improvement Act," as re-enacted by Section 2 of "The Local Improvement Amendment Act, 1932," for approval of the undertaking of the construction of certain Local Improvements: Sidewalk on Arlington Avenue; Pavement on Albert Street, and Sidewalk on Helena Street and Guigues Avenue, and

In the matter of the objections of Andrew McArthur, *et al*, to the Arlington Avenue Local Improvement, and

In the matter of the objections of the Estate of Morley Donaldson and others to the Albert Street Local Improvement.

January 10th. Draft Order *re* Arlington Avenue Work filed.

January 14th. Draft Order *re* Albert Street Work filed.

January 31st. Orders *re* Arlington Avenue Work and Albert Street Work issued.

December 23rd, 1932.

ORDER

(*Re* Arlington Avenue Local Improvement)

The application of the Corporation of the City of Ottawa, under Subsection (3) of Section 8 of "The Local Improvement Act," as re-enacted by Section 2 of "The Local Improvement Amendment Act, 1932," for the approval of the Board of the undertaking of the construction of a 5-foot concrete sidewalk on the north side of Arlington Avenue, from a point 60 feet west of Bank Street to a point 147 feet west of Bank Street, in the City of Ottawa, as a local improvement as provided by Local Improvement Report Number 671-C of the said Corporation, having come on to be heard, pursuant to appointment, at a special sittings held at the City of Ottawa on the 23rd day of December, 1932, before Mr. Vice-Chairman Ellis, duly authorized under Section 17 of "The Ontario Municipal Board Act, 1932," in the presence of the objector (Mrs. Emma M. Veale), the City Engineer and Counsel for the City Corporation, upon hearing read the said Local Improvement Report and the Notice of Intention to apply to the Board for approval of the said work, which had been published as provided by Subsection (3) of Section 8 of "The Local Improvement Act," and upon hearing what was said both in opposition to and in favour of the undertaking of said work and the passing of a By-law therefor, and Mr. Vice-Chairman Ellis having reported to the Board, and the Board having adopted such report as the basis of this Order,

1. The Board orders that the undertaking by the said Corporation of the said work and the passing of a By-law therefor be and the same are hereby approved.

2. The Board directs that its fee for the said Sittings be fixed at the sum of $10.00 to be paid by the said Corporation in Law Stamps to be affixed to this Order.

(Sgd.) C. R. McKEOWN,
Chairman.

(Seal)

December 27th, 1932.

ORDER

(*Re* Albert Street Local Improvement)

The application of the Corporation of the City of Ottawa, under Subsection (3) of Section 8 of "The Local Improvement Act," as re-enacted by Section 2 of "The Local Improvement Amendment Act, 1932," for the approval of the Board of the undertaking of the construction of an asphalt pavement on Albert Street, from Bank Street to Commissioner Street, in the City of Ottawa, as a local improvement as provided by Local Improvement Report Number 672-C of the said Corporation, having come on to be heard, pursuant to appointment, at a

special sittings held at the City of Ottawa on the 32rd day of December, A.D. 1932, before Mr. Vice-Chairman Ellis, duly authorized under Section 17 of "The Ontario Municipal Board Act, 1932," in the presence of the City Engineer, Counsel for the objectors and for the City Corporation, upon reading the said Local Improvement Report and the Notice of Intention to apply to the Board for approval of the said work, which had been published as provided by Subsection (3) of Section 8 of "The Local Improvement Act," and upon hearing what was said both in opposition to and in favour of the undertaking of the said work and the passing of a By-law therefor, and of the distribution of the cost thereof as set forth in the said Local Improvement Report, and Mr. Vice-Chairman Ellis having reported to the Board, and the Board having adopted such report as the basis of this Order,

1. The Board orders that the undertaking by the said Corporation of the said work and the passing of a By-law therefor be and the same are hereby approved.

2. The Board orders and directs that the whole cost of all culverts, catch basins and other works provided for surface drainage in connection with the said work shall be borne and paid by the said Corporation, and that of the remainder of the cost of the said work, sixty (60) per centum (in which percentage shall be included that part of the cost thereof which the said Corporation is by the provisions of "The Local Improvement Act" required to pay, with the exception of the cost of drainage as hereinbefore provided), shall be borne and paid by the said Corporation and forty (40) per centum of the cost thereof shall be assessed against abutting properties in accordance with the provisions of "The Local Improvement Act."

3. The Board directs that its fee for the said sittings be fixed at the sum of Ten dollars ($10.00) to be paid by the said Corporation in Law Stamps to be affixed to this Order.

(Sgd.) C. R. McKeown,
(Seal) *Chairman.*

Procedure File A-4500

Between:

347 Bay Street Corporation, Limited,

Appellant,

—and—

The Corporation of the City of Toronto,

Respondent.

(Assessment Appeal—Land and Buildings, $496,333.00)

January 13th. Notice of Appeal filed.

May 2nd. Hearing, 10.30 a.m., 11.35 to 11.40 a.m. Adjourned to 4th inst., at 10.30 a.m.

May 3rd. Appeal withdrawn. (See letter of May 2nd, 1933, from Appellant's Solicitors.)

Procedure File A-4458

In the matter of Section 77*a* of "The Highway Improvement Act," and amendments thereto, and

In the matter of the claim of Mary Jean Warwood against the Department of (Public) Highways in respect to lands expropriated, etc., due to widening and extension of Avenue Road, and being composed of Lots 1086, 1086, 1328, 1329,

south side Bedford Park Avenue, Plan M. 108, L.T.O. (southwest corner Bedford Park Avenue and Avenue Road, and being known as 333 Bedford Park Avenue), Township of North York, County of York.

January 16th. Subpoena issued to Department of Highways.

January 19th. Hearing, 10.30 A.M., 10.40 A.M. to 1.10 P.M. Hearing concluded. Award to Claimant for land taken and severage damages, $300.00; forcible taking, $30.00; interest from February 1st, 1931, at 5 per cent.; and costs, $50.00. (See Reporter's notes.)

PROCEDURE FILE A-4467

In the matter of the application of the Corporation of the Town of Copper Cliff, under Subsection (2) of Section 17 of "The Municipal Act," for annexation thereto of part of the Township of Snider, in the District of Sudbury.

January 31st. No objection filed; application granted. Applicant's Solicitor to draft Order.

February 7th. Draft Order filed.

February 9th. Amended draft Order filed.

February 14th. Order (following form of amended draft) issued.

January 31st, 1933.

ORDER

Whereas an application has been made by the Corporation of the Town of Copper Cliff to this Board, pursuant to a resolution of the Council of the said Corporation, as provided under Subsection (2) of Section 17 of "The Municipal Act," R.S.O. 1927, Chapter 233, and amendments thereto, for an Order of this Board annexing to the said Town, certain lands in Lot One, Concession One, in the Township of Snider in the District of Sudbury, as more particularly hereinafter described;

And whereas as directed by this Board, public notice of this application, dated the 29th day of December, 1932, has been duly advertised once a week for three weeks in *The Sudbury Star*, a local newspaper having a general circulation in the area affected, and duly posted in the area in question, and the said Town, requiring any person or persons objecting to such annexation to file such objections thereto with the Clerk of the Town of Copper Cliff on or before the 24th day of January, 1933, as by the affidavit of William J. Hambley, sworn the 20th day of January, 1933, filed with this Board, appears;

And whereas no objection pursuant to the said public notice has been filed. with the said Town Clerk, as by the affidavit of William J. Hambley, sworn the 25th day of January, 1933, filed with this Board, appears;

And whereas this Board has this day approved of the said application:

1. It is ordered that the following lands in the Township of Snider in the District of Sudbury, namely:

> The southeast quarter of the north half of Lot One in Concession One, containing fifty-five and one-quarter acres; and the south half of Lot One in Concession One, containing two hundred and twenty-one acres,

be and the same are hereby annexed to the Corporation of the Town of Copper Cliff in the District of Sudbury.

2. And it is further ordered that the said annexation take effect as of the date of this Order.

(Sgd.) C. R. MCKEOWN,
Chairman.

(Seal)

PROCEDURE FILE A-4491

BETWEEN:

Childs Company, Limited,

Appellant.

—and—

The Corporation of the City of Toronto,

Respondent.

(Assessment Appeal *re* 279 to 283 Yonge Street—Land and Buildings, $227,312.00)

January 10th. Notice of Appeal filed.

March 8th. Hearing, 10.30 A.M., 3.35 to 3.45 P.M. Adjourned to 13th inst., at 10.30 A.M.

March 13th. Hearing continued, 10.30 A.M., 10.50 to 11 A.M. Hearing adjourned to 16th inst., at 10.30 A.M.

March 16th. Hearing continued, 10.30 to 10.50 A.M. Adjourned to 17th inst., at 10.30 A.M.

March 17th. Hearing continued, 10.30 to 11.10 A.M. By direction of Board all Exhibits returned to Parties. No evidence offered. Appeal abandoned. (See Reporter's notes.)

PROCEDURE FILE A-4492

BETWEEN:

Adams Furniture Company, Limited,

Appellant,

—and—

The Corporation of the City of Toronto,

Respondent.

(Assessment Appeal *re* 211 to 219 Yonge Street—Land and Buildings, $591,500)

January 10th. Notice of Appeal filed.

March 8th. Hearing, 10.30 A.M. to 12.25 P.M., and 2.40 to 3.15 P.M. Hearing concluded. Judgment *viva voce* dismissing Appeal. (See Reporter's notes.)

PROCEDURE FILE A-4493

BETWEEN:

Mary Carty Estate and Martin Carty Estate,

Appellants,

—and—

The Corporation of the City of Toronto,

Respondent.

(Assessment Appeal *re* 220 and 222 Yonge Street—Land and Building, $365,000.00)

January 10th. Notice of Appeal filed.

March 8th. Hearing, 10.30 A.M., 2.00 to 2.40 and 3.15 to 3.35 P.M. Hearing concluded. Judgment (*viva voce*) dismissing Appeal. (See Reporter's notes.)

Procedure File A-4499

Application by the Corporation of the City of Toronto, under Section 398 of "The Municipal Act," for approval of its By-law No. 13818, being a By-law to restrict to use for private residences only land and buildings on Homewood Avenue.

January 12th. Application and material filed.

February 22nd. Hearing, 10.30 to 11 A.M. Adjourned *sine die.*

Procedure File A-4507

Application by the City of Toronto under Section 398 of "The Municipal Act" for approval of its Restricted Area By-law No. 13795, restricting to use for private residences only land and and buildings on Riverview Drive, Snowdon Avenue or Golfdale Road (excepting Yonge Street frontages).

January 20th. Application and material filed.

February 22nd. Hearing, 10.30 A.M., 11 to 11.40 A.M. By-law to be amended to allow two houses on Lot 8, Plan M-370. (See Reporter's notes.)

June 14th. Application granted subject to filing of amending By-law.

June 21st. Amending By-law 13873 filed.

June 21st. Draft Order, approved by Solicitor for Owner of Lot 8, Plan M-370, filed.

June 21st. Order issued.

June 14th, 1933.

Order

The application of the Corporation of the City of Toronto, pursuant to Section 398 of "The Municipal Act," being R.S.O. 1927, Chapter 233, for approval of its By-law No. 13795 having come on for hearing by appointment before this Board on the 22nd day of February, 1933, in the presence of a number of property owners affected, upon reading the said By-law and the other material filed, and it appearing that there were certain objections to the said By-law, the said application was adjourned until this day, and the same having come on this day for hearing,

The Board orders, under and in pursuance of Section 398 of "The Municipal Act," being R.S.O. 1927, Chapter 233, that By-law No. 13795, being intituled "No. 13795, A By-law to restrict to use for private detached residences only land and buildings on Riverview Drive, Snowdon Avenue or Golfdale Road, excepting Yonge Street frontages, comprised in Plan M-370 as filed in the Office of Land Titles at Toronto," as amended by By-law No. 13873, being intituled "No. 13873, A By-law to amend By-law No. 13795 respecting residential restrictions on Riverview Drive, Snowdon Avenue or Golfdale Road," and the said By-law No. 13873, be and the same are hereby approved.

(Sgd.) C. R. McKeown,
Chairman.

(Seal)

PROCEDURE FILE A-4514

BETWEEN:

Nancy Moore, Henry T. Moore and Alfred Franklin Moore,

Appellants,

—and—

The Corporation of the City of Toronto,

Respondent.

(Assessment Appeal)
Re Cosgrave Building—$407,834.00)

January 28th. Notice of Appeal filed.

March 1st. Hearing, 10.30 A.M. to 1 P.M. Hearing concluded. Judgment reserved.

March 17th. Judgment: Assessment reduced to $5,000.00 per foot *re* Nos. 163-167 Yonge Street.

PROCEDURE FILE A-4531

BETWEEN:

The Toronto Loan & Savings Company and Kents Limited,

Appellants,

—and—

The Corporation of the City of Toronto,

Respondent.

(Assessment Appeal)
(On Land, 144 Yonge Street, $182,000)

February 10th. Notice of Appeal filed.

April 25th. Hearing, 10.30 to 11.45 A.M. Hearing concluded. Judgment reserved.

May 2nd. Judgment delivered: Assessment reduced to $6,200.00 per foot frontage, making the land valuation, for assessment purposes, $161,200.00.

PROCEDURE FILE A-4532

BETWEEN:

Bingham's, Limited,

Appellants,

—and—

The Corporation of the City of Toronto,

Respondent.

(Assessment Appeal)
(On Land, 146 Yonge Street, $178,200.00)

February 10th. Notice of Appeal filed.

March 2nd. Hearing, 10.30 to 10.40 A.M. At request of Counsel Hearing adjourned *sine die* (to be heard with A-4531).

April 25th. Hearing continued, 10.30 to 11.45 A.M. To be governed by decision in A-4531. (See Reporter's notes.)

May 2nd. Judgment delivered: Assessment reduced to $6,200.00 per foot frontage, making total land assessment $161,200.00.

PROCEDURE FILE A-4538

BETWEEN:

The Huron & Erie Mortgage Corporation,

Appellant,

—and—

The Corporation of the City of Toronto,

Respondent.

(Assessment Appeal)

(Land and Buildings, Nos. 108, 110 and 112, Yonge Street, $427,417.00)

February 14th. Notice of Appeal filed.

March 6th. Hearing, 10.30 A.M. to 12 MD. Hearing concluded. Judgment *viva voce* dismissing Appeal.

PROCEDURE FILE A-4542

BETWEEN:

The Dominion Bank,

Appellant,

—and—

The Corporation of the City of Toronto,

Respondent.

(Assessment Appeal)

(Land and Buildings, Nos. 1-3 King Street West, $2,020,375.00)

February 17th. Notice of Appeal filed.

March 20th. Subpoena issued to Respondent.

March 22nd. Hearing, 10.30 A.M. to 4.30 P.M. Adjourned to to-morrow at 10.30 A.M.

March 23rd. Hearing continued, 10.30 A.M. to 1 P.M. Adjourned to 10.30 A.M., April 11th, 1933.

April 11th. Hearing continued, 10.30 A.M. to 3.45 P.M. Hearing concluded. Judgment delivered *viva voce* confirming County Judge's decision as to assessment of building, and restoring Court of Revision's assessment of land.

PROCEDURE FILE A-4553

BETWEEN:

No. 14 King Street East, Limited,

Appellant,

—and—

The Corporation of the City of Toronto,

Respondent.

(Assessment Appeal)

(Land, No. 14 King Street East, $194,750; Buildings, $52,000)

February 18th. Notice of Appeal filed.

March 13th. Hearing, 10.30 A.M., 10.50 to 12.15 P.M. Hearing concluded. Judgment *viva voce:* Court of Revision's decision restored as to land, $4,250 per foot. No change from Judgment of County Judge as to Buildings. (See Reporter's notes.)

PROCEDURE FILE A-4554

BETWEEN:

The Globe Realty, Limited,

Appellant,

—and—

The Corporation of the City of Toronto,

Respondent.

(Assessment Appeal—*Re* No. 10 King Street East—
Land, $250,900; Buildings, $150,000)

February 18th. Notice of Appeal filed.

March 13th. Hearing, 10.30 A.M., 12.15 to 12.45 P.M. Judgment *viva voce:* Assessment of land fixed at $4,800 per foot. Assessment of Buildings not altered from that fixed by County Judge. (See Reporter's notes.)

PROCEDURE FILE A-4555

BETWEEN:

Guardian Realty Company of Canada, Limited,

Appellant,

—and—

The Corporation of the City of Toronto,

Respondent.

(Assessment Appeal—*Re* 81½ Yonge Street—Land, $31,500.00)

February 18th. Notice of Appeal filed.

March 13th. Hearing, 10.30 A.M., 2.30 to 2.50 P.M. Hearing concluded. Judgment (*viva voce*) dismissing Appeal. (See Reporter's notes.)

PROCEDURE FILE A-4556

BETWEEN:

Guardian Realty Company of Canada, Limited,

Appellant,

—and—

The Corporation of the City of Toronto,

Respondent.

(Assessment Appeal—Nos. 2-8 King Street East—
Land, $689,875.00; Buildings, $850,000)

February 18th. Notice of Appeal filed.

March 13th. Hearing, 10.30 A.M., 2.00 to 2.30 P.M. Hearing concluded, Judgment (*viva voce*) dismissing appeal. (See Reporter's notes.)

PROCEDURE FILE A-4561

BETWEEN:

King, Victoria, Limited
(Commonwealth Building)

Appellant,

—and—

The Corporation of the City of Toronto,

Respondent.

(Assessment Appeal—Nos. 17-35 King Street East—
Land, $540,842.00; Buildings, $100,000.00)

February 18th. Notice of Appeal filed.
March 14th. Hearing, 10.30 A.M. to 12 MD. Hearing concluded. Judgment (*viva voce*): County Judge's Assessment confirmed. (See Reporter's notes.)

PROCEDURE FILE A-4562

BETWEEN:

Bowles Lunch, Limited,

Appellant,

—and—

The Corporation of the City of Toronto,

Respondent.

(Assessment Appeal—

Nos. 7-13 King Street East: Land, $156,750.00; Buildings, $50,000.00;
Nos. 11-13 King Street East: Land, $128,700.00; Buildings, $50,000.00)
February 18th. Notice of Appeal filed.
March 14th. Hearing, 10.30 A.M. to 12 MD. Hearing concluded. Judgment (*viva voce*): County Judge's Assessment confirmed. (See Reporter's notes.)

PROCEDURE FILE A-4565

BETWEEN:

The Corporation of the City of Toronto,

Appellant,

—and—

The T. Eaton Company, Limited,

Respondent.

(Assessment Appeal—Real Property, Buildings), $3,746,996.00;
Business, $2,160,187.00)

February 18th. Notice of Appeal filed.
March 27th. Hearing, 10.30 to 11.15 A.M. Hearing adjourned *sine die* on question of jurisdiction (City appealing).
April 3rd. Letter from City Solicitor that he has nothing further to add.
April 21st. Approved draft Order filed.
April 21st. Order issued. Appeal dismissed.

March 27th, 1933.

ORDER

Upon the application of the above-named Appellant by way of appeal to The Ontario Municipal Board from the decision of His Honour Judge Parker, the County Judge of the County of York, given on the 13th day of January, 1933, respecting the following appeal:

Assessment No. 98951 on the real property and Assessment No. 98952 on the business assessment of The T. Eaton Housefurnishings Company, Limited, Ward 3, Division 6, in the City of Toronto,

and upon hearing Counsel for the Appellant and Respondents:

1. The Board orders that the appeal be and the same is hereby dismissed.
2. The Board makes no Order as to costs.

(Sgd.) C. R. McKEOWN,
(Seal) *Chairman.*

PROCEDURE FILE A-4566

Application by the Corporation of the City of Toronto, under Subsection (2*b*) of Section 398 of "The Municipal Act," for approval of its By-law No. 13796, being "A By-law to repeal By-law No. 12958 in so far as it prevents the erection of a dwelling house on twenty-five feet of the east half of Lot No. 228, Plan M-25, south side of Castlefield Avenue, with a lesser area than 2,500 square feet as required by the said By-law."

February 21st. Application and material filed.

March 13th. Hearing, 10.30 to 10.50 A.M. Application granted. Applicant's Solicitor to draft Order.

March 14th. Draft Order filed.

March 14th. Order.

March 13th, 1933.

ORDER

The application of the Corporation of the City of Toronto, pursuant to Section 398, Subsection (2*b*) of "The Municipal Act," being Revised Statutes of Ontario, 1927, Chapter 233, for approval of its By-law No. 13796, having come on this day for hearing by appointment before this Board, in the presence of a number of property owners affected, upon reading the said By-law and the other material filed, and upon hearing what was alleged by all parties present or represented before the Board,

The Board orders, under and in pursuance of Section 398, Subsection (2*b*), of "The Municipal Act," being Revised Statutes of Ontario, 1927, Chapter 233, that By-law No. 13796, being intituled "No. 13796, A By-law to repeal By-law No. 12958 in so far as it prevents the erection of a dwelling house on twenty-five feet of the east half of Lot No. 228, Plan M-25, south side of Castlefield Avenue, with a lesser area than 2,500 square feet as required by the said By-law," be and the same is hereby approved.

(Sgd.) C. R. McKEOWN,
(Seal) *Chairman.*

PROCEDURE FILE A-4583

Application by the Corporation of the City of Ottawa, under Section 398 of "The Municipal Act," for approval of its Restricted Area By-law No. 7604, restricting the portion of St. George's Ward therein defined to detached private or duplex dwellings.

March 3rd. Application and material filed.

April 7th. Hearing, 10.00 to 10.35 A.M., Court House, Ottawa. By-law, amended as directed, to be approved.

October 4th. By-law No. 7736, fixing setback line, filed.

October 4th. Draft Order filed.

October 17th. Order issued.

October 17th, 1933.

ORDER

The application of the Corporation of the City of Ottawa, under Section 398 of "The Municipal Act," for approval of its By-law No. 7604, being a By-law to restrict the use of land and the erection or use of buildings on land for any purpose other than that of a detached private dwelling or a duplex dwelling within that area in St. George's Ward in the City of Ottawa therein defined, having come on to be heard at the Court House, Ottawa, on Friday, the 7th day of April, 1933, pursuant to an appointment given by the Board and dated the 6th day of March, 1933, in the presence of Counsel for the Corporation and of Counsel for certain owners of property affected by the said By-law, and it appearing that notice of the said appointment had been duly served upon all the owners of property affected by the said By-law by mailing thereto a copy of the said appointment and of the said By-law by registered letter at least ten clear days before the date fixed for the said hearing, and upon hearing what was alleged both in favour of and in opposition to the said By-law,

(1) The Board hereby approves of By-law No. 7604.

(2) And the Board directs that its fee for Law Stamps to be affixed to this Order shall be $15.00.

(Sgd.) C. R. MCKEOWN,

(Seal) *Chairman.*

PROCEDURE FILE A-4584

Application by the Corporation of the City of Ottawa, under Section 398 of "The Municipal Act," for approval of its Restricted Area By-law No. 7605, restricting that portion of St. George's Ward, therein defined, to residential purposes only.

March 3rd. Application and material filed.

April 7th. Hearing, 10.45 to 11.10 A.M., Court House, Ottawa. By-law approved.

June 23rd. Draft Order filed.

June 23rd. Order issued.

April 7th, 1933.

ORDER

The application of the Corporation of the City of Ottawa under Section 398 of "The Municipal Act," for approval of its By-law No. 7605 restricting the use

of land and the erection or use of buildings on land in the area in St. George's Ward in the said City therein defined having come on to be heard at the Court House, Ottawa, on Friday, the 7th day of April, 1933, pursuant to an appointment given by the Board and dated the 6th day of March, 1933, in the presence of Counsel for the Corporation and of certain owners of property affected by the said By-law, and it appearing that notice of the said appointment had been duly served upon all the owners of property affected by the said By-law by mailing thereto a copy of the said appointment and of the said By-law by registered letter at least ten clear days before the date fixed for the said Hearing, and upon hearing what was alleged both in favour of and in opposition to the said By-law,

1. The Board hereby approves of By-law No. 7605.

2. And the Board directs that its fee for Law Stamps to be affixed to this Order shall be $10.00.

(Sgd.) C. R. McKeown,

(Seal) *Chairman.*

Procedure File A-4585

Application by the Corporation of the City of Ottawa, under Section 398 of "The Municipal Act," for approval of its Restricted Area By-law No. 7606, being a By-law to restrict the use of land and the erection or use of buildings on land in that area in Dalhousie Ward therein defined, to residential purposes only.

March 3rd. Application and material filed.

April 7th. Hearing, 10.45 to 11.10 a.m., Court House, Ottawa. By-law, amended as directed, to be approved.

May 17th. Amending By-law No. 7639 filed.

June 21st. Draft Order filed.

June 21st. Order.

June 16th, 1933.

Order

The application of the Corporation of the City of Ottawa under Section 398 of "The Municipal Act" for approval of its By-law No. 7606 restricting the use of land and the erection or use of buildings on land in the area in Dalhousie Ward in the said City therein defined having come on to be heard at the Court House, Ottawa, on Friday, the 7th day of April, 1933, pursuant to an appointment given by the Board and dated the 6th day of March, 1933, in the presence of Counsel for the Corporation and of Counsel for certain owners of property affected by the said By-law, and it appearing that notice of the said appointment had been duly served on all the owners of property affected by the said By-law by mailing thereto a copy of the said appointment and of the said By-law by registered letter at least ten clear days before the date fixed for the said Hearing, and upon hearing what was alleged by Counsel aforesaid both in favour of and in opposition to the said By-law and it appearing to the Board to be desirable that the Council of the Corporation should amend the said By-law by excluding from the area of land therein defined Lots Nos. 4 and 5 on the west side of Cambridge Street adjacent to Lots Nos. 6, 7 and 8 on the north side of Carling Avenue, and the Board having directed that this application should stand over until the said amendment should be made, and the said Council having duly passed By-law No. 7639, a By-law amending By-law No. 7606 by excluding therefrom Lots Nos. 4 and 5 on the west side of Cambridge Street adjacent to

Lots Nos. 6, 7 and 8 on the north side of Carling Avenue, a certified copy of which has been filed with the Board:

1. The Board hereby approves of By-law No. 7606 as amended by By-law No. 7639.

2. And the Board directs that its fee for Law Stamps to be affixed to this Order shall be Ten Dollars.

(Sgd.) C. R. McKeown,
(Seal) *Chairman.*

Procedure File A-4586

Application by the Corporation of the City of Belleville, under Subsection (11) of Section 400 of "The Municipal Act," for approval of its By-law No. 3112, regulating the weighing of coal or coke.

March 7th. Application and material filed.

March 31st. Hearing, 12 md. to 12.20 p.m., Council Chamber, Belleville. (Vice-Chairman authorized under Section 17, Chapter 27, Ontario Statutes, 1932.) Recommendation: That the By-law as directed to be amended be approved upon a new By-law following such direction being passed.

April 10th. Recommendation adopted as basis of Order of the Board.

Procedure File A-4588

Application by the Corporation of the City of Ottawa, under section 398 of "The Municipal Act," for approval of its Restricted Area By-law No. 7610, restricting that portion of St. George's Ward therein defined, to residential purposes.

March 10th. Application and material filed.

April 7th. Hearing, 10.30 to 10.45 a.m., at the Court House, Ottawa. By-law, amended as directed, to be approved.

May 17th. Amending By-law 7640 filed.

May 18th. Application granted. By-law 7610 as amended by By-law 7640 approved.

May 30th. Approved draft Order filed.

May 30th. Order.

May 18th, 1933.

Order

The application of the Corporation of the City of Ottawa, under Section 398 of "The Municipal Act," for approval of its By-law No. 7610 restricting the use of land and the erection or use of buildings on land in the area in St. George's Ward in the said City therein defined, having come on to be heard at the Court House, Ottawa, on Friday, the 7th day of April, 1933, pursuant to an appointment given by the Board and dated the 10th day of March, 1933, in the presence of Counsel for the Corporation and Counsel for Sisters of the Holy Cross owners of property affected by the said By-law, and it appearing that notice of the said appointment had been duly served upon all the owners of property affected by the said By-law by mailing thereto a copy of the said appointment and of the said By-law by registered letter at least ten clear days before the date fixed for

the said hearing, and upon hearing what was alleged by Counsel aforesaid, and it appearing to the Board to be desirable that the Council of the Corporation should consider the advisability of amending the said By-law with reference to the property owned by the said Sisters of the Holy Cross and the Board having directed that this application should stand over until it should be advised of the decision of the said Council with regard to the amendment of the said By-law, and the said Council having duly passed By-law No. 7640, a By-law amending By-law No. 7610 with reference to the said property of Sisters of the Holy Cross as therein set forth, a certified copy of which has been filed with the Board.

1. The Board hereby approves of By-law No. 7610 as amended by By-law No. 7640.

2. And the Board directs that its fee for Law Stamps to be affixed to this Order shall be Ten Dollars.

(Sgd.) C. R. McKeown,
(Seal) *Chairman.*

PROCEDURE FILE A-4590

Application by the Township of East York, under Section 398, Subsection (*2b*), of "The Municipal Act," for approval of its By-law No. 2484, further amending its By-law No. 1243 (as amended by By-law No. 1347), dividing the Township into industrial, business and residential areas.

March 11th. Application and material filed.

April 19th. Hearing, 10.30 to 11 A.M., at the Board's Chambers. Application granted: Applicant's Solicitor to draft Order.

April 28th. Draft Order filed.

April 28th. Order issued.

April 19th, 1933.

ORDER

Upon the application of the said Corporation, and the Board having, pursuant to appointment on the 19th day of April, A.D. 1933, heard Counsel for the Applicant, and no one appearing in opposition to the said By-law, notice of the appointment having been duly given as directed by the Board pursuant to Clause (*e*) of paragraph 2 of the said Section 398 of "The Municipal Act," and the Board having granted the application of the said Township:

The Board orders under and in pursuance of the provisions of Section 398 of "The Municipal Act," that the said By-law No. 2484, entituled "Township of East York, By-law No. 2484, To amend By-law No. 1243 and amendments thereto, being a By-law for the purpose of dividing the Township into Industrial, Business and Residential Areas, and restricting the user of land and buildings within the defined areas," be and the same is hereby approved.

(Sgd.) C. R. McKeown,
(Seal) *Chairman.*

PROCEDURE FILE A-4620

Application by the Township of Etobicoke, under Section 398 of "The Municipal Act," for approval of its Restricted Area By-law No. 4018, restricting the area described in the By-law to private residences.

April 4th. Application and material filed.

April 26th. Hearing, 10.30 to 10.40 A.M., at the Board's Chambers. Application granted. Applicant's Solicitor to draft Order.

April 28th. Draft Order filed.

April 28th. Order issued.

April 26th, 1933.

ORDER

Upon the application of the Corporation of the Township of Etobicoke, upon reading the Declaration of S. Barratt as to the giving of notice, and upon hearing what was alleged by Counsel for the Applicant, no one appearing in opposition to the application,

It is ordered that By-law No. 4018 of the Township of Etobicoke, for the purpose of placing restrictions upon the area described in the said By-law, be and the same is hereby approved.

(Sgd.) C. R. McKEOWN,
(Seal) *Chairman.*

PROCEDURE FILE A-4631

Application by the Corporation of the Village of Forest Hill, under Section 398 of "The Municipal Act," for approval of its By-law No. 730, restricting the use of lands on Castlefield Avenue, St. Clements Avenue, Briar Hill and Caldow Avenue to detached private residences.

April 19th. Application and material filed.

May 9th. Hearing, 10.30 to 11.15 A.M., at the Board's Chambers. Council to consider whether to amend By-law as follows:

(*a*) South side Castlefield Avenue—reduce area to 1,950 square feet;

(*b*) South side St. Clements Avenue—Lot 189, two 25-foot strips, 25 feet frontage, 2,500 square feet area;

(*c*) Council to consider Maude Moore property—Part Lot 228, south side Castlefield Avenue;

(*d*) South side Briar Hill Avenue—Lots 221-224, property of Norman A. Howie Estate, 85 feet (3 houses);

(*e*) South side Castlefield Avenue—Reduce cost of building ($3,000).

(See Reporter's notes.) Hearing adjourned to 11th inst., at 11 A.M.

May 11th. Hearing continued, 11 to 11.15 A.M. Amending By-law 734 filed. By-law 730 approved as amended. Applicant's Solicitor to draft Order.

May 11th. Draft Order filed.

May 13th. Order issued.

May 11th, 1933.

ORDER

Upon the application of the said Corporation made to this Board on the 9th day of May, 1933, and upon hearing read the material filed by Melville Grant, Esquire, Solicitor for the Applicant, and upon hearing what was alleged by W. A. McMaster, Esquire, K.C., Counsel for Maude Moore, an owner of land in the said district, and upon hearing Percy Jolliffe, Esquire, representing The Toronto General Trusts Corporation, Executors of the Estate of an owner of

lands in the said district, and upon hearing F. R. Puterbaugh, Esquire, a resident in the said district, no one else appearing, although all owners whose names appeared on the last revised assessment roll of the Corporation were duly notified, the application was directed to be held over until this day for the purpose of permitting the Corporation to make several amendments, and it appearing that the said By-law No. 730 was amended by By-law No. 734, to comply with requests that had been made for a change in the original By-law,

The Board orders, under and in pursuance of the provisions of Section 398 of "The Municipal Act," that the said By-law No. 730, being a By-law to place restrictions on Castlefield Avenue, St. Clements Avenue, Briar Hill Avenue and Caldow Avenue, as amended by By-law No. 734, being a By-law to amend By-law No. 730 in so far as it affects certain restrictions on Castlefield Avenue and St. Clements Avenue, be and the same is hereby approved.

(Sgd.) C. R. McKeown,
(Seal) *Chairman.*

Procedure File A-4636

Application by the Corporation of the Town of Hawkesbury, under Section 78 (*d*) of Part V, of Chapter 27, Ontario Statutes, 1932, for authority to issue debentures to the amount of $88,000.00, to pay the floating indebtedness of the said Town.

April 24th. Application and material filed.

May 12th. Hearing, 10 A.M. to 12.30 P.M., Court House, Ottawa. Application refused.

Procedure File A-4642

Application by the Corporation of the Town of Mimico, under Section 398 of "The Municipal Act," for approval of its Restricted Area By-law No. 880, restricting to detached private dwellings the area on the south or southwest side of the Lake Shore Road, between Edyth Avenue and Church Street.

April 27th. Application and material filed.

May 19th. Hearing, 10.30 to 11.30 A.M. (Chairman of the Board authorized under Section 18, Chapter 27, Ontario Statutes, 1932). One house to be allowed on Lot 12 and easterly 10 feet of Lot 13, Plan M-494. By-law to be considered and amended as above by the Town Council. Hearing adjourned to 10.30 A.M., May 26th, 1933. (See Reporter's notes.)

May 26th. Hearing continued, 10.30 to 10.40 A.M. Amending By-law 884 filed. Application granted, Applicant's Solicitor to draft Order.

Procedure File A-4648

In the matter of "The Highway Improvement Act" and amendments, and

In the matter of "The Public Works Act," and amendments, and

In the matter of the expropriation by the County of Wentworth of certain lands of George F. Webb, and being parts Lots 2, 3 and 4, Concession IV, Township of Barton.

May 3rd. Reference filed.

May 25th. Subpoena issued to Claimant's Solicitors.

September 28th. Hearing, 9.30 A.M. to 7.00 P.M., City Hall, Hamilton. Adjourned to 29th inst., at 10.00 A.M.

September 29th. Hearing continued, 10.00 A.M. to 4.30 P.M. Adjourned to Tuesday, October 3rd, at 10.30 A.M., at the Board's Chambers, Toronto.

October 3rd. Hearing continued, 10.30 A.M. to 4.45 P.M., at the Board's Chambers, Toronto. Hearing concluded: Award reserved.

October 27th. Award issued.

Award

To all to whom these presents shall come:

The Ontario Municipal Board sends greeting.

On the 16th day of June, 1932, the County of Wentworth for highway purposes saw fit to expropriate certain lands belonging to George F. Webb, and being a portion of Lots Nos. 2, 3 and 4 in the Fourth Concession of the Township of Barton, consisting of 4.37 acres along the most northerly and northeasterly portions of the said lots.

The property of the said George F. Webb extended from the unopened road allowance between Concessions 4 and 5 in the said Township to the most northerly limit of the property so expropriated, and consisted of Lots 3 and 4, and part of Lot 2 in the said 4th Concession of the Township of Barton, and the northerly limit of the said property was distant some 30 or 40 feet from the brow of the Mountain overlooking the City of Hamilton.

Along the northerly boundary of the said property, and between the said property and the brow of the mountain aforesaid, there has for some time been in use a highway which is a clay road, and one that during wet weather is not very desirable for traffic purposes.

The County of Wentworth having decided to construct a first-class paved highway along the said road, making thereby a scenic drive overlooking the City of Hamilton, came to the conclusion that it would be necessary to expropriate a portion of the property owned by the Claimant, George F. Webb, that the road might be widened and straightened, and for this purpose served upon the Claimant Notice of Expropriation of the 4.37 acres of land above mentioned.

The Claimant's contention is that his whole property is valuable as a subdivision property, and that much of its value for that purpose, for the construction of high-class residences, lies in the fact that it is so close to the brow of the mountain that an excellent view of the City of Hamilton and surroundings is thereby obtainable, and the contention is made that the expropriation above mentioned, which takes from the front of this property a strip of land of various widths running from zero at its most westerly extremity to some eighty feet at its widest part, so removes the property from the brow of the mountain that the value which heretofore existed by reason of the view over the City of Hamilton is very much reduced, and for this loss and the value of the land so taken the said George F. Webb claims the sum of $73,296.50.

In addition thereto it is claimed that some one hundred shade trees are being cut down, and these the Claimant values at $50.00 a piece, or $5,000.00.

In addition thereto the Claimant says that it will cost in or about $1,200.00 to replace the fence now along the northerly and easterly portion of his lot.

On the 28th and 29th days of September, 1933, the Board sat at the City of Hamilton, and in addition to viewing the property in question, heard evidence offered by the Claimant and by the Respondent, and on the 3rd of October, 1933,

at the City of Toronto, heard further evidence in reply offered by the Respondent, and what was alleged by Counsel for the different parties.

The actual value of the farm property as such was given in evidence at from $400.00 to $600.00 an acre, and the Board is of the opinion that an allowance of $500.00 an acre would be a fair price for the said property.

Considering the land taken as purely farm land, and used as such, the Board is unable to see wherein the construction of the highway such as proposed by the County can in any way affect or lessen the value of the remaining property.

If on the other hand the Claimant's property, or even the front portions thereof, could be developed for subdivision purposes as contended by the Claimant and his witnesses, and there were any prospect of such a development taking place within a reasonably near future (which the Board does not believe to be probable), there might be some small damage done to the property by lessening to a very slight degree the view over the City of Hamilton occasioned by the pressing back from the brow of the mountain the northerly line of the Claimant's property. But if there is any damage to this property by the said Act on the part of the County of Wentworth, the construction of a first-class highway, and the building of a pavement along the said property, in the opinion of the Board, more than compensates for any damage that may be occasioned by lessening of the view above suggested.

Under these circumstances the Board is unable to see that the Claimant is entitled to any damage by reason of the said expropriation reducing the view over the City of Hamilton, which said damage is not more than compensated by the construction of the highway proposed by the County of Wentworth.

The value of the land taken, namely, 4.37 acres, at $500.00 an acre, or $2,183.20, is allowed for land taken.

The shade trees, variously estimated at from eighty to one hundred, the Board will allow one hundred, the number claimed, at $10.00 each, or $1,000.00.

There was some difference in the evidence as to the cost of the construction of a fence to take the place of the fence being removed by the Respondent. The witness for the Claimant contended that the fence should cost $998.00, while evidence offered by the Respondent was to the effect that a new fence could be constructed for $700.00; but as the fence now in existence, although answering the purpose for which it is there, could not be called a new fence and should not be so considered. However, once the present fence is removed, the construction of another or new fence will be necessary, and it might be that the Respondent would find very little of the old fence that he could make use of, and accordingly the Board is of the opinion that he should receive $700.00 for the construction of the fence to take the place of the one being removed by the County.

This makes a total of $3,885.00, to which we should add 10 per cent. of $3,185.00, being the value of the land and trees taken, or $318.50, making a total of $4,203.50, which amount, with interest at the rate of 5 per cent. per annum, from the 16th day of June, 1932, to the date hereof, this Board awards to the Claimant in full of his Claim as filed herein.

The Board further awards to the Claimant his costs of these proceedings, to be taxed by the taxing officer of the Supreme Court of Ontario at Osgoode Hall, Toronto, on the Supreme Court scale.

The costs payable to The Ontario Municipal Board to be paid in Law Stamps, amounting to $45.00.

In witness whereof the members of The Ontario Municipal Board have hereto set their hands, and have caused to be affixed the seal of the Board this

Twenty-seventh day of October, A.D. 1933, at the City of Toronto, in the Province of Ontario.

(Sgd.) C. R. McKeown,
Chairman.

(Seal)

(Sgd.) J. A. Ellis,
Vice-Chairman.

(Sgd.) Herbert L. Cummings,
Commissioner.

Procedure File A-4661

Application by the Corporation of the City of Ottawa, under Section 398 of "The Municipal Act," for approval of its By-law No. 7641, restricting to residential purposes only the use of land and the erection or use of buildings on land in certain area in "Central Ward," defined in the By-law.

May 17th. Application and material filed.

June 20th. Hearing, 10.00 to 10.15 a.m., at the Court House, Ottawa. (Vice-Chairman authorized under Section 17, Chapter 27, Ontario Statutes, 1932.) Recommendation that By-law be approved.

July 3rd. Recommendation of Vice-Chairman adopted as basis of Board's Order.

July 3rd. Draft Order filed.

July 3rd. Order issued.

July 3rd, 1933.

Order

The application of the City of Ottawa, under Section 398 of "The Municipal Act," for the approval of its By-law No. 7641 restricting the use of land and the erection or use of buildings on land in that area in Central Ward in the said City therein defined having come on to be heard on Friday, the 30th day of June, 1933, pursuant to an appointment given by the Board and dated the 18th day of May, 1933, before Mr. Vice-Chairman Ellis, duly authorized under Section 17 of "The Ontario Municipal Board Act, 1932," in the presence of Counsel for the Corporation and no one appearing on behalf of any of the owners of property affected by the said By-law, and it appearing that notice of the said appointment had been duly served on all the owners of property affected by the said By-law by mailing thereto a copy of the said appointment and of the said By-law by registered letter at least ten clear days before the date fixed for the said hearing, and upon hearing what was alleged in favour of the said By-law and Mr. Vice-Chairman Ellis's report on such hearing having been this day adopted as the Order of the Board:

1. The Board hereby approves of By-law No. 7641.

2. And the Board directs that its fee for Law Stamps affixed to this Order shall be $15.00.

(Sgd.) C. R. McKeown,
Chairman.

(Seal)

PROCEDURE FILE A-4669

In the matter of Chapter 81, Ontario Statutes, 1933, Section 3, being "An Act respecting the City of Hamilton."

BETWEEN:

Westdale Properties, Limited,

Appellant,

—and—

The Corporation of the City of Hamilton,

Respondent.

(Appeal *re* assessment of certain lands on Sterling Street, from King Street to Forsyth Avenue (45-foot roadway, etc.), and lands on Longwood Road, from Roanoke Road to Cootes' Paradise (40-foot roadway, etc.)

May 22nd. Notices of Appeal filed.
June 7th. Hearing, 9.30 A.M. to 12.30 P.M., Council Chamber, Hamilton.
April 12th. Approved Draft Orders filed.
April 15th. Orders issued.

Wednesday, the 7th day of June, A.D. 1933.

BEFORE:

C. R. MCKEOWN, ESQ., K.C., *Chairman*, and

H. L. CUMMINGS, ESQ., *Commissioner*.

In the matter of Section 3 of Chapter 81, "An Act respecting the City of Hamilton," 23 Geo. V. (1933), Ontario Statutes:

And in the matter of the Appeal of Westdale Properties, Limited, Owners of lands abutting on streets or portions thereof on Sterling Street, from King Street to Forsythe Avenue, from the assessment made against the said lands and other lands for the construction as a local improvement of the asphalt roadway, with necessary drain connections, pursuant to the provisions of By-law No. 4018 passed by the Council of the Corporation of the City of Hamilton on the 13th day of May, 1930, in so far as said By-law refers to Sterling Street from King Street to Forsythe Avenue.

June 7th, 1933.

ORDER

Upon the appeal of the said Westdale Properties, Limited, in pursuance of Section 3 of the above-named Act, from the assessment made against the abutting lands assessed for the construction as a local improvement of the asphalt roadway, with necessary drain connections, pursuant to said By-law No. 4018 in so far as it refers to Sterling Street from King Street to Forsythe Avenue, and upon consideration of such appeal and material filed, and hearing all parties interested, and upon consideration of the evidence adduced and what was alleged by Counsel for the Appellants and for the Corporation of the City of Hamilton:

1. This Board doth order that 22.3 per cent. of the assessment imposed by the special assessment roll against all of the abutting lands pursuant to said By-law No. 4018, in so far as it refers to Sterling Street from King Street to Forsythe Avenue, shall be borne by the said Corporation, and the remaining 77.7 per cent. of the said assessment shall be borne by the abutting owners.

2. And this Board doth further order that 22.3 per cent. of any such assessment heretofore paid by such owners shall be refunded to them by the said City Corporation.

3. And this Board doth further order that there shall be no costs of the appeal to any party, except that the Corporation of the City of Hamilton shall pay $15.00 for Law Stamps on this Order, which may be added to the cost of the work.

(Sgd.) C. R. McKeown,
Chairman.

(Seal)

Wednesday, the 7th day of June, A.D. 1933.

BEFORE:

C. R. McKeown, Esq., K.C.,
Chairman, and

H. L. Cummings, Esq.,
Commissioner.

In the matter of Section 3 of Chapter 81, "An Act respecting the City of Hamilton," 23 Geo. V. (1933), Ontario Statutes:

And in the matter of the Appeal of Westdale Properties, Limited, owners of lands abutting on streets or portions thereof on Longwood Road from Roanoke Road to Cootes' Paradise, from the assessment made against the said lands and other lands for the construction as a local improvement of the asphalt roadway, with necessary drain connections, pursuant to the provisions of By-law No. 4127 passed by the Council of the Corporation of the City of Hamilton on the 25th day of November, 1930, in so far as said By-law refers to Longwood Road from Roanoke Road to Cootes' Paradise.

June 7th, 1933.

ORDER

Upon the appeal of the said Westdale Properties Limited in pursuance of Section 3 of the above-named Act from the assessment made against the abutting lands assessed for the construction as a local improvement of the asphalt roadway, with necessary drain connections, pursuant to said By-law No. 4127 in so far as it refers to Longwood Road from Roanoke Road to Cootes' Paradise, and upon consideration of such appeal and material filed, and hearing all parties interested, and upon consideration of the evidence adduced and what was alleged by Counsel for the Appellants and for the Corporation of the City of Hamilton:

1. This Board doth order that one-quarter of the assessment imposed by the special assessment roll against all of the abutting lands pursuant to said By-law No. 4127, in so far as it refers to Longwood Road from Roanoke Road to Cootes' Paradise, shall be borne by the said City Corporation and the remaining three-quarters of the said assessment shall be borne by the abutting owners.

2. This Board doth further order that one-quarter of any such assessment heretofore paid by such owners shall be refunded to them by the said City Corporation.

3. And this Board doth further order that there shall be no costs of the appeal to any party, except that the Corporation of the City of Hamilton shall pay $15.00 for Law Stamps on this Order, which may be added to the cost of the work.

(Sgd.) C. R. McKeown,
(Seal) *Chairman.*

PROCEDURE FILE A-4668

In the matter of Chapter 81, Ontario Statutes, 1933, being "An Act respecting the City of Hamilton."

BETWEEN:

Thomas William Hand,

Appellants,

—and—

The Corporation of the City of Hamilton,

Respondent.

(Appeal *re* assessment of Lots 95 to 113 (both inclusive), College Park Survey, abutting on Longwood Road, from King Street to the Hamilton-Brantford Highway, for 40-foot asphalt roadway (City By-law No. 4137).)

May 20th. Notice of Appeal filed.

June 7th. Hearing, 9.30 A.M. to 12.50 P.M., Council Chamber, Hamilton. Judgment: Seventy-five per cent. of cost of pavement to be paid by property owners and 25 per cent. by the Corporation.

August 12th. Approved draft Order filed.

August 15th. Order issued.

Wednesday, the 7th day of June, A.D. 1933.

BEFORE:

C. R. McKeown, Esq., K.C., *Chairman, and*

H. L. Cummings, Esq., *Commissioner.*

In the matter of Section 3 of Chapter 81, "An Act respecting the City of Hamilton," 23 Geo. V. (1933), Ontario Statutes:

And in the matter of the Appeal of T. W. Hand and others, owners of lands abutting on streets or portions thereof on Longwood Road, from King Street to Hamilton and Brantford Highway, from the assessment made against the said lands and other lands for the construction as a local improvement of the asphalt roadway, with necessary drain connections, pursuant to the provisions of By-law No. 4137, passed by the Corporation of the City of Hamilton on the 9th day of December, 1930, in so far as said By-law refers to Longwood Road from King Street to Hamilton and Brantford Highway.

June 7th, 1933.

ORDER

Upon the appeal of the said T. W. Hand and others, in pursuance of Section 3 of the above-named Act from the assessment made against the abutting lands assessed for the construction as a local improvement of the asphalt roadway, with necessary drain connections, pursuant to said By-law No. 4137, in so far as it refers to Longwood Road from King Street to Hamilton and Brantford Highway, and upon consideration of such appeal and material filed, and hearing all parties interested, and upon consideration of the evidence adduced and what was alleged by Counsel for the Appellants and for the Corporation of the City of Hamilton:

1. This Board doth order that one-quarter of the assessment imposed by the special assessment roll against all of the abutting lands pursuant to said By-law No. 4137, in so far as it refers to Longwood Road from King Street to Hamilton and Brantford Highway, shall be borne by the said City Corporation, and the remaining three-quarters of the said assessment shall be borne by the abutting owners.

2. This Board doth further order that one-quarter of any such assessment heretofore paid by such owners shall be refunded to them by the said City Corporation.

3. And this Board doth further order that there shall be no costs of the appeal to any party, except that the Corporation of the City of Hamilton shall pay $15.00 for Law Stamps on this Order, which may be added to the cost of the work.

(Sgd.) C. R. McKEOWN,
(Seal) *Chairman.*

PROCEDURE FILE A-4702

In the matter of the application by the City of Hamilton, under Section 8 of "The Local Improvement Act," as re-enacted by Section 2 of "The Local Improvement Amendment Act, 1932," for approval of the undertaking of the construction of a cement walk on Main Street, south side, from opposite Forsythe Avenue to 300 feet west of Emerson Avenue, and the passing of a By-law therefor.

May 6th. Objection by R. Stroud Estate and others, filed.
June 19th. Application and material filed.
September 14th. Hearing, 9.30 to 10 A.M., Council Chamber, Hamilton. Board will approve of the undertaking of the work if the City will pay 90 per cent. of the cost; otherwise the application is dismissed.

PROCEDURE FILE A-4708

BETWEEN:

The Imperial Oil Company, Limited,

Appellant.

—and—

The Municipality of the Town of Fort Frances,

Respondent.

(Assessment Appeal)

June 23rd. Notice of Appeal filed.
July 10th. Further material filed.
September 22nd. Hearing, 10.00 A.M. to 12 MD., Court House, Fort Frances.
Judgment (*viva voce*):

Assessment reduced to $18,000.00 as follows:

(Land (unchanged)	$1,300.00
Buildings (reduced by $1,300.00)	16,700.00
	$18,000.00

October 16th. Approved draft Order filed.
October 17th. Order issued.

PROCEDURE FILE A-4713

In the matter of "The Northern Development Act" (Section 12, Chapter 36, R.S.O. 1927), and amending Acts, and

In the matter of "The Public Works Act" (Section 28, Chapter 52, R.S.O. 1927), and

In the matter of the Claim of T. A. Bebee against the Department of Northern Development for compensation in respect to lands expropriated for purposes of Trans-Canada Highway in Pembroke-North Bay Section.

June 29th. Application for appointment for Hearing (by Claimant's Solicitor).

November 13th. Reference filed by Minister of Department of Lands and Forests (Northern Development).

November 20th. Particulars of Claim filed.

December 14th. Hearing, 10 A.M. to 5 P.M., Court House, City of North Bay. Claimant awarded $500.00 with interest at 5 per cent. per annum thereon from date of expropriation; also costs, $100.00.

PROCEDURE FILE A-4715

In the matter of Section 27*a* of "The Local Improvement Act" (as enacted by Section 2 of Chapter 26, Ontario Statutes, 1933).

BETWEEN:

John Buckley,

Appellant,

—and—

The Corporation of the City of Toronto,

Respondent.

(Claim for exemption of property No. 983 St. Clarens Avenue respecting opening of lane between Greenlaw and St. Clarens Avenues, north of Davenport Road, under City's By-law No. 13580.)

June 29th. Appeal filed.
December 12th. Hearing, 10.30 A.M., 11.25 to 11.45 A.M.
Assessment to be reduced one-third.

PROCEDURE FILE A-4715a

In the matter of Section 27*a* of "The Local Improvement Act" (as enacted by Section 2 of Chapter 26, Ontario Statutes, 1933).

BETWEEN:

Robert C. Lennox,

Appellant,

—and—

The Corporation of the City of Toronto,

Respondent.

(Claim for exemption of property No. 1025 St. Clarens Avenue respecting opening of lane between Greenlaw and St. Clarens Avenues, north of Davenport Road, under City's By-law No. 13580.)

June 29th. Appeal filed.
December 12th. Hearing, 10.30 A.M., 11.10 to 11.25 A.M.
Assessment sustained.

PROCEDURE FILE A-4715b

In the matter of Section 27*a* of "The Local Improvement Act" (as enacted by Section 2 of Chapter 26, Ontario Statutes, 1933).

BETWEEN:

James McMordie,

Appellant,

—and—

The Corporation of the City of Toronto,

Respondent.

(Claim for exemption of property No. 56 Greenlaw Avenue, respecting opening of lane between Greenlaw and St. Clarens Avenues, north of Davenport Road, under City's By-law No. 13580.)

June 29th. Appeal filed.
December 12th. Hearing, 10.30 A.M. to 11.10 A.M.
Assessment to be reduced by one-half.

PROCEDURE FILE A-4733

In the matter of the application of the Corporation of the City of Toronto, under Section 8 of "The Local Improvement Act," as re-enacted by 22 George V, Chapter 30, Section 2, for approval of the undertaking of the construction of asphalt pavements on Avenue Road, from St. Clair Avenue to Lonsdale Road; Lonsdale Road from the west street line of Oriole Road produced to Forest Hill Road; and on Oriole Parkway, from Lonsdale Road to 19 feet north of the south street line of Kilbarry Road, and the passing of a By-law therefor.

July 19th. Application and material filed.

September 18th. Hearing, 10.30 A.M. to 1 P.M., at the Board's Chambers, of Preliminary Argument on question of City's right to initiate these works without petitions. Hearing concluded. Judgment reserved.

September 27th. Judgment delivered. Board has not jurisdiction.

October 17th. Draft Order (dismissing application on question of jurisdiction) filed by the City.

October 17th. Order (on question of jurisdiction) issued.

October 24th. Motion by City of Toronto for leave to appeal dismissed with costs (1933), O.W.N., 669.

Opinion as to Jurisdiction of the Board

The City of Toronto having published in the Toronto *Globe* a notice of its intention to construct upon Avenue Road between St. Clair Avenue and Lonsdale Road; upon Lonsdale Road from the west street line of Oriole Road produced to Forest Hill Road; and upon Oriole Parkway from Lonsdale Road to nineteen feet north of the south street line of Kilbarry Road, certain local improvement works as set out in the said notice, and a number of landowners among those to be especially assessed in connection with the said local improvement works having objected thereto, the Council of the said City of Toronto forwarded to The Ontario Municipal Board the said By-law for approval.

On Monday, the Eighteenth day of September, 1933, the said Board heard evidence and argument in connection with the contention as to whether or not the carrying on of the said work as set out in the notice above referred to, was such a work as is mentioned in Section 2, Subsection (q) of the said "Local Improvement Act," being Chapter 235, R.S.O. 1927, as amended by 19 Geo. V, Chapter 60.

After hearing the evidence adduced by the Applicants, and what was alleged by Counsel for the City of Toronto, and for the Respondents, we are of the opinion that the work being undertaken is a work thought necessary by the engineer for the City of Toronto to accommodate the large amount of traffic that is now using the said highways, and the traffic that it is expected will use the highways in the future, and that to accommodate such traffic it is found most desirable to widen the pavement along Avenue Road, Lonsdale Road and Oriole Parkway.

Although it was strongly urged by Counsel for the City of Toronto that the intention is to destroy at least the top of the pavement now in existence on these several streets, and construct a heavier and better pavement, we are of the opinion that the work being undertaken is a widening of the pavement on Avenue Road, Lonsdale Road and Oriole Parkway as above mentioned, and is therefore governed by Section 2, Subsection (*q*) of "The Local Improvement Act" above referred to. Such being the case it can only be done under "The Local Improvement Act" on petition.

We are therefore of the opinion that the By-law for which the Board's approval is asked, not being in accordance with the provisions of the Act, is beyond the jurisdiction of the Council to pass, and beyond the jurisdiction of this Board to approve.

(Sgd.) C. R. McKeown,
Chairman.

(Seal)

(Sgd.) J. A. Ellis,
Vice-Chairman.

Dated at Toronto this 27th day of September, A.D. 1933.

This application by the Corporation of the City of Toronto pursuant to Section 8 of "The Local Improvement Act" for approval of a proposed undertaking by the corporation as local improvements of the construction of certain paving works on portions of the above-mentioned streets has first come before this Board on Monday, 18th September, 1933, for determination of a preliminary question of jurisdiction.

Owners of lots which front upon those portions of the streets mentioned upon which the proposed paving works are to be undertaken in addition to voicing other objections contend that the proposed works are actually or in effect a widening of the pavements now existing upon the said streets, and that as the widening has not been petitioned for by the property owners in accordance with "The Local Improvement Act" the City Corporation is powerless to proceed with the proposed works and therefore this Board has no jurisdiction to entertain or deal with the application before it.

The facts of the matter appear to be as follows:

(*a*) *Avenue Road*—The existing pavement, 24 feet in width, was constructed in 1908. When laid it consisted of a 4-inch concrete foundation upon which was laid a 2-inch asphalt top. The work was done as a local improvement but its estimated lifetime expired many years ago. The pavement has in recent years required to be repaired and this has been done at the expense of the Corporation at large.

(*b*) *Lonsdale Road*—The existing pavement, 24 feet in width, was constructed in 1910. When laid it consisted of a 5-inch concrete foundation upon which was laid a 2-inch asphalt top. The work was done as a local improvement but its estimated lifetime expired some few years ago. Such repairs as have in recent years been done to the pavement were made at the expense of the Corporation at large.

(*c*) *Oriole Parkway*—The existing pavement, 28 feet more or less in width, was constructed partly in 1914 and partly in 1924. When laid it consisted of a 6-inch concrete foundation upon which was laid a 2-inch or 2½-inch asphalt top. The work was done as a local improvement and the estimated lifetime of the section constructed in 1924 has not yet expired. Repairs, if any, done to the latter section of the pavement, are of necessity undertaken at the expense of the Corporation at large.

According to the evdence of the Commissoner of Works for the City given before this Board, the Corporation's intention, subject to the exception noted hereunder, is to scrap the existing pavements and to lay new pavements consisting of an 8-inch concrete foundation upon which a 3-inch asphalt top will be laid. The width of the proposed pavements will be 46 feet on Avenue Road, 46 feet on Lonsdale Road and 54 feet on Oriole Parkway.

The Commissioner of Works states that when the work is undertaken and the surface of the existing pavements is stripped off he will utilize in the new pavements such portions of the foundations of the existing pavements as may appear to be useful to leave in position. He says that until the work is undertaken and the present asphalt tops are removed it is impossible to say how much, if any, of the existing foundations can be utilized in the new work.

The Commissioner of Works also states in evidence that he would not leave the existing pavements as they are and widen them, because they are not of sufficient thickness to provide for traffic conditions as he expects them to occur in the future and for which the proposed new works are to provide. The Commissioner as an engineer of experience states that he would not lay any pavements

on these streets unless the foundations were of a thickness of at least 8 inches and were of greater width than the existing pavements, and that it would be both an economic waste and a failure to provide for traffic requirements to merely relay the existing pavements with a greater thickness and of the same width.

Counsel for the protesting property owners maintain notwithstanding the contentions of counsel for the City and the evidence of the Commissioner of Works that the proposed undertakings are nothing more or less than a widening of the existing pavements, and particularly so if it is proposed to incorporate in the new undertaking any portion of the existing pavement as is contemplated.

"The Local Improvement Act" by Section 2 authorizes works of the character or description mentioned therein to be undertaken as local improvements. Clause (*f*) of Section 2 specifies "Paving a street" as one of these works. "Paving" as defined in Clause (*r*) of Section 1 of the Act includes macadamizing, planking and the laying down or construction of any description of pavement or roadway and the construction of a curbing, and "pavement" as defined by Clause (*q*) of the same section includes any description of pavement or roadway.

Section 8 of the Act as re-enacted by Section 2 of "The Local Improvement Amendment Act, 1932" (Chapter 30), authorizes the construction of a pavement as a local improvement free from the necessity for petition or limitations of a counter petition if the proposed work is approved by this Board, and the present application is made under this section.

It is as well to note here that "construction" as defined by Clause (*c*) of Section 1 of the Act includes reconstruction wholly or in part when the lifetime of the work has expired.

Prior to 1929 some doubt must have arisen as to the power of a municipality to undertake as a local improvement the widening of a pavement upon a street, and by Section 2 of Chapter 60 of the Statutes of 1929 the Act was amended by the addition of Clause (*q*) to Section 2 as follows:

(*q*) Widening on petition only, a pavement on a street.

The question to be determined is whether the proposed undertakings of the City Corporation are actually or in effect the widening of the pavements now in existence on Avenue Road, Lonsdale Road and Oriole Parkway. If they are then in the absence of a petition the City Corporation is powerless to proceed under the Act and this Board cannot deal with the application before it except by way of dismissal for lack of jurisdiction.

Having given the contentions of counsel for the property owners full consideration I find it impossible to alter the opinion I formed at the hearing that the proposed undertakings are in no sense a widening of a pavement. To my mind the provisions of Clause (*q*) added in 1929 apply only to such cases as the widening of an existing pavement which is to remain intact and in use as it was before the proposal for its widening was made and until its lifetime, estimated or actual, expires. Numerous illustrations exist of cases where a narrow pavement has been laid and which in later years has been widened by additional strips of pavement being laid contiguous thereto on either or both sides thereof, but without the original and existing pavement being in any way disturbed or interfered with. Clause (*q*) comes clearly into play in connection with such widenings.

But to contend that the clause also applies when it is contemplated that the existing and narrower pavement is to be removed wholly or substantially and to be replaced by a new pavement of greater width and of greater thickness is to my mind stretching the clause not only beyond the contemplation of the Legislature as expressed in the clause but also to a point touching upon the absurd.

And too, even if it is anticipated that some portion of the existing pavement may be utilized in the new undertaking.

If the contentions of the property owners are sound then, in the absence of their petition, the City Corporation is for all time in the future limited to the undertaking as local improvements of any pavements upon the streets in question (and any other streets in the City where the circumstances are similar) to a width not exceeding that which is in existence when the new works are proposed. It is difficult to appreciate that such is the proper construction to be placed upon Clause (*q*) of Section 2.

In my opinion the proposed undertakings do not fall within Clause (*q*) of Section 2 at all but are of the nature of new works involving in whole or in part the reconstruction of existing pavements, and subject to the exception below noted, are within the provisions of Section 8 and no petition is requisite to their undertaking.

A difficulty however exists with respect to that section of the proposed pavement on Oriole Parkway laid in 1924 which was not present to my mind at the preliminary hearing and which was not voiced by anyone present. If I am correct in my opinion that the proposed pavement on Oriole Parkway is a new work and involves as I think it does the reconstruction of the existing pavement, then it is questionable if the time has yet arrived when its undertaking can be proceeded with as a local improvement, having regard to the fact that the estimated lifetime of the existing pavement has not yet expired, and if the City Corporation desires to proceed with that particular work at the present time it will be necessary to satisfy the Board that there is power to proceed under the present application.

My judgment in the matter therefore is that Clause (*q*) of Section 2 of "The Local Improvement Act" having no application in fact or in law, it is competent for this Board to deal with the application now before it and to hear it upon the merits, but that for the reason above stated it is questionable whether the undertaking of the proposed new pavement upon Oriole Parkway can be approved under the Act.

(Sgd.) Herbert L. Cummings,
Commissioner,

19th September, 1933.

September 7th, 1933.

Order

Upon the application of the above-named Applicant in the presence of counsel for a number of property owners, upon hearing the evidence adduced on behalf of the Applicant and Respondents, upon hearing counsel for the Applicant and the Respondents, and this Board being of the opinion that it has no jurisdiction to entertain this application, it therefore orders:

1. That the said application be and the same is hereby dismissed.
2. And it is further ordered that the Corporation of the City of Toronto shall pay the sum of Ten Dollars, the Board's fee for Law Stamps on this order.

(Sgd.) C. R. McKeown,
Chairman.

(Seal)

PROCEDURE FILE A-4738

BETWEEN:

H. R. A. Moyer,

Appellant,

—and—

The Corporation of the Township of Scarborough,

Respondent.

(Assessment Appeal— Land and Buildings (2 parcels), $44,925.00)

July 26th. Notice of Appeal filed.

November 7th. Hearing, 10.30 A.M., 11.00 to 11.20 A.M., at the Board's Chambers. Appeal withdrawn (no costs). (No fee for Law Stamps.)

PROCEDURE FILE A-4739

BETWEEN:

Norman P. Martin,

Appellant,

—and—

The Corporation of the Township of Scarborough,

Respondent.

(Assessment Appeal—Land and Buildings, $59,800.00)

July 26th. Notice of Appeal filed.

November 7th. Hearing, 10.30 to 11 A.M., at the Board's Chambers. Appeal withdrawn. (No costs.) (No fee for Law Stamps.)

PROCEDURE FILE A-4741

In the matter of the application of W. A. MacDowell and others, under Section 18 of "The Municipal Act," for the incorporation of certain portion of the Township of Neelon (situate within the existing United Township Municipality of Neelon and Garson), under the name of "The Town of Coniston."

July 27th. Application (Petition), Plan and Resolution of the United Townships filed.

August 3rd. Affidavit as to population, and other material filed.

October 20th. Draft Orders *re* incorporation and *re* nomination of candidates and first election, and appointment of Returning Officer, filed.

October 24th. Orders.

October 24th, 1933.

ORDER

Whereas by an Act passed by the Legislature of the Province of Ontario and known as "The Municipal Act," R.S.O. 1927, Chapter 233, and amending Acts, it is enacted that the Ontario Municipal Board may in the manner by the said Act provided, upon the application of not less than seventy-five male inhabitants of the locality, each of the full age of twenty-one years, incorporate as a town corporation the inhabitants of a locality having a population of at least five hundred situate in one or more of the provisional judicial districts,

whether or not it lies within an existing Township Municipality, such locality having an area not exceeding seven hundred and fifty acres for the first five hundred of its population, with three hundred acres or fraction thereof added for each additional five hundred of its population or fraction thereof;

And whereas by their petition filed, it appears that at least seventy-five male inhabitants of a certain locality in the Township of Neelon, in the District of Sudbury, hereinafter described, each being of the full age of twenty-one years, are desirous of an Order being made pursuant to the provisions of the said "The Municipal Act," declaring that the inhabitants of the said locality shall be constituted a body corporate under the name of "The Corporation of the Town of Coniston," and describing the limits of the said Town;

And whereas there has been filed with the Secretary of this Board the affidavit of D'Arcy Olivier, Clerk of the Municipal Corporation of the Townships of Neelon and Garson, bearing date the 1st day of August, A.D. 1933, showing that the population of the said locality as it appears from the assessment roll records is one thousand five hundred and eighty-five;

And whereas there has been filed with the Secretary of this Board a certified copy of the Resolution passed by the Council of the Municipal Corporation of the Townships of Neelon and Garson;

And whereas it has been made to appear that the said locality has a population of over one thousand five hundred and an area not exceeding 1,221.13 acres;

And whereas public notice of the application to this Board for the said Order was duly published in the issues of the Sudbury *Star*, a newspaper published in the City of Sudbury, in the District of Sudbury, on the 9th, 12th, 16th and 19th days of August, A.D. 1933, pursuant to the request of this Board;

And upon hearing read the petition filed, the affidavit of D'Arcy Olivier aforesaid, dated the 1st of August, A.D. 1933, filed, the Resolution of the Council of the Municipal Corporation of the Townships of Neelon and Garson, and the issues of the Sudbury *Star* of the 9th, 12th, 16th and 19th of August, 1933, containing the published notice of the application herein,

1. It is ordered and declared that on, from and after the 31st day of December, A.D. 1933, the inhabitants of the locality hereinafter described shall be incorporated as a Town Corporation under the name of "The Corporation of the Town of Coniston."

2. And it is further ordered and declared that the Town of Coniston shall comprise all that territory hereinafter described, that is to say:

The east half of the south half of Lot Number Two (2) in the Second Concession of the Township of Neelon, containing 78 acres;

The north half of Lot Number Two in the Second Concession of the Township of Neelon, containing 156 acres;

The east half of the north half of Lot Number Three in the Second Concession of the Township of Neelon, containing 79.5 acres;

The northwest quarter of the north half of Lot Number Three in the Second Concession of the Township of Neelon, containing 39.75 acres;

The northeast quarter of the north half of Lot Number Four in the Second Concession of the Township of Neelon, containing 37.88 acres;

The south half of Lot Number Two in the Third Concession of the Township of Neelon, containing 160 acres;

The west half of the north half of Lot Number Two in the Third Concession of the Township of Neelon, containing 80 acres;

All of Lot Number Three in the Third Concession of the Township of Neelon, containing 320 acres;

The east half of the south half of Lot Number Four in the Third Concession of the Township of Neelon, containing 80 acres;

The south quarter of the north half of Lot Number Four in the Third Concession of the Township of Neelon, containing 40 acres;

The east quarter of the north three-quarters of the north half of Lot Four in the Third Concession of the Township of Neelon, containing 30 acres;

The south half of the south half of Lot Number Three in the Fourth Concession of the Township of Neelon, containing 80 acres;

The southeast quarter of the south half of Lot Number Four in the Fourth Concession of the Township of Neelon, containing 40 acres.

(Sgd.) C. R. McKeown,
Chairman.

(Seal)

October 24th, 1933.

ORDER

Whereas this Board this day has made an Order incorporating the Town of Coniston, in the District of Sudbury;

And whereas an application has been made for an Order fixing the date and place for the holding of the nomination of candidates for the first election and appointing a Returning Officer to hold the said election and for such further Order as to the Board might appear proper;

And upon hearing read the said Order incorporating the said Town of Coniston:

1. It is ordered that the first election of a Mayor and Six Councillors of and for the said Town of Coniston be held according to law; that D'Arcy Olivier, Esquire, be the Returning Officer to hold the said Election, and that the Nomination Meeting for the nomination of candidates for the said several offices be held by the said D'Arcy Olivier on Monday, the First day of January, A.D. 1934, at the Town Hall, in the Town of Coniston, at the hour of Ten O'Clock in the forenoon, and if the said Mayor and six Councillors are elected by acclamation the said Returning Officer shall forthwith declare the result; that in case more candidates are nominated for an office than are to be elected, the Returning Officer shall adjourn the proceedings until the 8th day of January, 1934, on which day a poll shall be opened by the said Returning Officer at the said Town Hall in the Town of Coniston, at the hour of nine o'clock in the forenoon, and shall be kept open until five o'clock in the afternoon of the same day; and the said Returning Officer shall declare the result of the said poll at the said Office at the hour of Twelve O'Clock noon on the 9th day of January, 1934.

2. And it is further ordered that except as herein otherwise provided, the proceedings in and about the said election and subsequent thereto shall be in accordance with the provisions of "The Municipal Act" in that behalf.

3. And it is further ordered that the first meeting of the Mayor and Council so elected shall be held at the Town Hall in the Town of Coniston at the discretion of the Mayor elect within one week of the Declaration of the Returning Officer.

(Sgd.) C. R. McKeown,
Chairman.

(Seal)

PROCEDURE FILE A-4746

BETWEEN:

The Toronto Hunt.

Appellant,

—and—

The Corporation of the Township of Scarborough,

Respondent.

(Assessment Appeal—52.08 acres, $104,000.00
31.97 acres, 47,955.00

$151,955.00)

July 29th. Notice of Appeal filed.

August 2nd. Cross-appeal filed.

November 28th. Hearing of Appeal and Cross-appeal, 10.30 A.M. to 5 P.M., at the Board's Chambers. Adjourned to 29th inst., at 10.30 A.M.

November 29th. Hearing concluded. Appeal dismissed. (Cross-appeal withdrawn. No costs.)

PROCEDURE FILE A-4747

BETWEEN:

The Canada Cement Company, Limited,

Appellant,

—and—

The Corporation of the Village of Lakefield,

Respondent.

(Assessment Appeal—Business Assessment, $45,000.00)

August 1st. Notice of Appeal filed.

October 5th. Hearing, 10.30 to 11.00 at the Board's Chambers, on question of Board's jurisdiction. Board decides it has not jurisdiction herein. (No costs. No Law Stamps.)

PROCEDURE FILE A-4762

Application by the Corporation of the City of Ottawa, under Section 8 of "The Local Improvement Act," as re-enacted by Section 2, Chapter 30, Ontario Statutes, 1932, for approval of the undertaking of the following Local Improvements and the passing of a By-law therefor:

(*a*) Five-foot concrete sidewalk on the west side of Chapel Street, from Rideau Street to a point 135 feet southerly;

(*b*) Five-foot concrete sidewalk on the north side of Daly Avenue, from King Edward Avenue to a point 100 feet westerly (objection filed by the Church of St. Alban-the-Martyr);

(*c*) Resurfacing with asphalt of Echo Drive, from Bank Street to Riverdale Avenue (objection by Mrs. J. S. Williamson, C. E. Bleakney, Alfred E. McIntyre and Sr. M. Ange de l'Eucharistic and others);

(*d*) Four-foot concrete sidewalk on south side of Echo Drive, from Bank Street to Riverdale Avenue (objections by Mrs. J. S. Williamson, C. E. Bleakney, Alfred E. McIntyre and Sr. M. Ange de l'Eucharistic and others);

(*e*) Five-foot concrete sidewalk on east side of Bronson Avenue, from Gladstone Avenue to Florence Street; and

(*f*) Five-foot concrete sidewalk on east side of Lyon Street, from Arlington Avenue to McLeod Street (objection by J. K. Meredith and others).

August 12th. Application filed.

September 13th. Order approving undertaking of works on (*a*) Chapel Street and (*e*) Bronson Avenue, and passing of By-law therefor.

October 6th. Hearing *re* (*b*), (*c*), (*d*) and (*f*), 10.00 to 11.00 A.M., Court House, Ottawa. (The Vice-Chairman authorized under Section 17, Chapter 27, Ontario Statutes, 1932.)

(*b*) Recommended that 75 per cent. of the cost of the work be paid by the property owners and 25 per cent. by the City.

(*c*) Hearing adjourned to Thursday, October 19th, 1933, at 9.30 A.M., Court House, Ottawa.

(*d*) Hearing adjourned to Thursday, October 19th, at 9.30 A.M., Court House, Ottawa.

(*f*) Report: Recommended that Petition be allowed with liberty to City to initiate work again next year.

October 11th. Reports adopted.

October 12th. Draft Order *re* (*b*) filed and Order issued accordingly.

October 20th. Hearings continued *re* (*c*) and (*d*), 9.30 A.M., Court House, Ottawa. Adjourned *sine die*.

Wednesday, the 11th day of October, 1933.

BEFORE:

C. R. MCKEOWN, *Chairman*, and

J. A. ELLIS, ESQ., *Vice-Chairman*.

In the matter of the application of the Corporation of the City of Ottawa, under Section 8 of "The Local Improvement Act" as re-enacted by Section 2 of "The Local Improvement Amendment Act, 1932," for approval of the undertaking of certain Local Improvement work as set forth in the Notice of Intention dated the 20th day of July, 1933, and the passing of a By-law therefor, and

In the matter of the objection of the Church of St. Alban the Martyr to the construction of a sidewalk on the north side of Daly Avenue from King Edward Avenue to a point 100 feet westerly.

October 11th, 1933.

ORDER

The application of the Corporation of the City of Ottawa, under Subsection (3) of Section 8 of "The Local Improvement Act," as re-enacted by Section 2 of "The Local Improvement Amendment Act, 1932," for the approval by the Board of the undertaking of the construction of a five-foot concrete sidewalk on the north side of Daly Avenue from King Edward Avenue to a point 100 feet westerly, having come on to be heard before Mr. Vice-Chairman Ellis, duly authorized under Section 17 of "The Ontario Municipal Board Act, 1932," at a special sittings held pursuant to appointment at the City of Ottawa on Friday, the 6th day of October, A.D. 1933, at the hour of ten o'clock in the forenoon, whereupon hearing read the Notice of Intention to apply to the Board for approval of the said work which had been published as provided by Subsection (3) of Section 8

of "The Local Improvement Act" and the Local Improvement reports upon the said work prepared pursuant to the said Act, and upon hearing what was said both in opposition to and in favour of the undertaking of the said work, and of the distribution of the cost thereof as set forth in the said Local Improvement report, and Mr. Vice-Chairman Ellis' report on such hearing having been this day adopted as the Order of the Board,

1. The Board hereby approves of the undertaking by the Corporation of the City of Ottawa of the construction of a five-foot concrete sidewalk on the north side of Daly Avenue from King Edward Avenue to a point 100 feet westerly and the passing of a By-law therefor and orders and directs that twenty-five per centum (25 per centum) of the total cost of the said Local Improvement pavement (in which percentage shall be included that part of the cost thereof which the said Corporation is by the provisions of "The Local Improvement Act" required to pay) shall be borne and paid by the Corporation of the City of Ottawa and the remaining seventy-five per centum (75 per centum) of the cost thereof shall be assessed against the abutting property in accordance with the provisions of "The Local Improvement Act."

2. The Board directs that its fee for the said Sittings be fixed at the sum of $10.00 to be paid by the said Corporation in Law Stamps to be affixed to this Order.

(Sgd.) C. R. McKeown,
(Seal) *Chairman.*

Procedure File A-4765

Between:

Canadian International Paper Company,

Appellant,

—and—

The Corporation of the Town of Hawkesbury,

Respondent.

(Assessment Appeal—Mill Property, $18,880.00)

August 21st. Notice of Appeal filed.
November 13th. Subpoena issued to Town of Hawkesbury.
November 16th. Hearing, 10.00 A.M. to 5.45 P.M., Court House, Ottawa.
November 17th. Hearing continued, 9.00 A.M. to 10.30 A.M. Adjourned to November 30th, 1933, at 10.00 A.M.
November 30th. Hearing continued, 10.00 A.M. to 5.00 P.M.
December 1st. Hearing continued, 10.00 A.M. to 2.10 P.M. Adjourned to 27th inst., at 10.00 A.M.
December 27th. Hearing continued, 10.00 A.M. to 5.00 P.M.
December 28th. Hearing continued, 9.30 A.M. to 5.00 P.M.
December 29th. Hearing continued, 9.30 A.M. to 1.00 P.M. Judgment reserved.

Procedure File A-4768

In the matter of the Petition of Rochester Heights, Limited, and others, under Section 20 of "The Municipal Act," for the annexation to the Town of Timmins of part of the Township of Tisdale.

August 22nd. Petition, Resolution of Township, Agreement between the Town and Township, Surveyor's Description and Sketch Plan and other material filed.

August 30th. Petition granted. Applicant's Solicitor to draft Order.

September 8th. Draft Order filed.

September 11th. Order issued.

September 11th, 1933.

ORDER

Whereas a majority of the Municipal electors in that part of the Township of Tisdale hereinafter mentioned and described did properly petition this Board to add the same to the Town of Timmins, and the Municipal Council of the Town of Timmins did on the 8th day of May, 1933, by resolution declare that it is expedient that the said part of the said adjacent Township should be annexed to the Town of Timmins.

And whereas after notice of such Resolution and Petition the Municipal Council of the said Township of Tisdale did by resolution dated the said 8th day of May, 1933, consent to the annexation of the said lands to the Town of Timmins on terms and conditions as to the adjustment of assets and liabilities, taxation, assessment, improvements or otherwise as should be agreed upon by the Councils of the said municipalities, or determined by the Board.

And whereas as the result of negotiations held subsequently an agreement in writing dated the 10th day of July, 1933, was entered into between the Corporations of the said Town of Timmins and the Township of Tisdale which fixed the adjustment of assets and liabilities, improvements and otherwise in respect of the said annexation at $1.00 to be paid by the Corporation of the Town of Timmins to the Corporation of the Township of Tisdale; and wherein it was agreed that the taxes imposed by the Council of the Township of Tisdale against the lands in question for the year 1933 shall belong to the said Corporation of the Township of Tisdale, to be collected and recovered as provided by Section 40 of "The Municipal Act"; and also that it shall not be necessary for the parties hereto to enter into any agreement or proceed with any arbitration under the provisions of Section 37 of "The Public Schools Act" after the annexation in question shall have been ordered by this Board.

And whereas all Statutory requirements have been complied with and the terms and conditions agreed upon meet with our approval.

This Board doth hereby order that the mineral and surface rights of all and singular those certain parcels or tracts of land in the Township of Tisdale and District of Cochrane comprising parts of the southwest part of the south part of original Lot 11, Concession 3, and the northwest part of the north part of original Lot 11, Concession 2, comprising the lands subdivided and registered in the Land Titles Office for the District of Cochrane at Cochrane as Plan M15, Cochrane; the lands registered in the said Land Titles Office at Cochrane as parcel 3279, Whitney and Tisdale, and lands originally registered in the said Land Titles Office as parcel 2991, Whitney and Tisdale, which are more particularly described and set out in the sketch plan and description of the said area, made by Chas. V. Gallagher, O.L.S., dated August 18th, 1933, hereto attached, be and the same are hereby annexed to the said Town of Timmins, as and from this date, pursuant to the terms and conditions stipulated in the said agreement between the Corporation of the Township of Tisdale and the Town of Timmins, dated the 10th day of July, 1933.

(Sgd.) C. R. McKEOWN,

(Seal) *Chairman.*

Procedure File A-4770

In the matter of Section 119 of "The Telephone Act."

Between:

The Commissioners for the Telephone System of the Municipality of Tuckersmith,

Applicants,

—and—

John B. Mustard,

Respondent.

(For an Order requiring the Respondent to deliver up all books, vouchers, papers and other documents belonging to The Tuckersmith Municipal Telephone System.)

August 15th. Application and material filed.

August 18th. Hearing (Chairman authorized under Section 17, Chapter 27, Ontario Statutes, 1932). Decision of Board reserved pending settlement between parties of question as to audit of books, etc.

August 31st. Order directing Audit.

Procedure File A-4771

In the matter of the application of the Corporation of the City of St. Catharines, under Section 8 of "The Local Improvement Act," as re-enacted by Section 2 of "The Local Improvement Amendment Act, 1932," for approval of the undertaking of the construction of an asphalt surface 12 feet in width, on Trafalgar Street, from Yates Street to Ontario Street, in pursuance of Notice of Intention of the Council of the said Corporation dated the 31st day of July, 1933,

And in the matter of the objection of A. A. Widdicombe and others thereto.

August 24th. Application and material filed.

September 1st. Hearing, 11 A.M., City Hall, St. Catharines. (Mr. Commissioner Cummings authorized under Section 17, Chapter 27, Ontario Statutes, 1932.)

September 8th. Report of Mr. Commissioner Cummings filed and adopted.

Report

In the above matter I attended at the City Hall in St. Catharines, on Friday the 1st of September, at 11 A.M., and heard the application and the objections thereto.

Mr. G. M. Lampard appeared for the City Corporation and for the Petitioners, Messrs. A. Widdicombe, F. J. Murphy, and Grove Davis appeared in person.

Mr. B. F. Lamson, City Engineer, gave evidence with respect to the existing pavement on Trafalgar Street, as to the present condition, the repairs requisite to be made and the desirability of resurfacing the pavement.

The present pavement, which is a Westrumite, was constructed in 1913 on a concrete base as a local improvement. Fifteen-year debentures were issued to pay for the cost of the work and these debentures were fully paid in 1929.

Prior to the expiration of the lifetime of the work, repairs had to be made and have been made yearly for the past eleven years or so. The cost of these repairs has been borne by the Corporation at large. Further repairs are now necessary and the City Council feel that the time has come when it is desirable to resurface the pavement both from economic and physical standpoints.

The Engineer estimated that the annual cost of repairs had been about $100 and that until the pavement was resurfaced a similar annual expenditure would be required in the future.

The estimated cost of resurfacing, with a 2½-inch asphalt binder top, is $1,350, part of which cost would be charged to the frontage at an annual rate of about 18 cents per foot for ten years.

The Petitioners who appeared all stated that their main objection to the work being undertaken was purely from a financial standpoint as they were already overburdened with taxation and that to increase their taxes at the present time to pay for a new pavement would be an additional burden which they were anxious to avoid at the present time.

Before taking the hearing I visited Trafalgar Street and inspected the condition of the pavement. I found places where there were holes in the pavement which I am sure extend in depth to the concrete foundation, and in other places the surface was commencing to disintegrate. Upon questioning the engineer I gathered that repairs of a temporary nature could be made so as to more or less protect the base and at the same time put the street in a reasonable condition for traffic, at a cost somewhere between $50 and $75.

After discussing the whole matter with those present, including the Mayor, I suggested perhaps the City Council would consider postponing the application for a year and in the meantime make temporary repairs at a small cost, thus avoiding increase in taxation for the present in the hope that business conditions will improve and enable the taxpayer more easily to meet his obligations, and that I would refrain from making my report until I had heard whether the City Council would or would not concur in my suggestion.

I now understand the City Council desires to proceed with the application.

In my opinion the City has not established the absolute necessity for proceeding with the resurfacing of the pavement on Trafalgar Street at the present time and in view of the general desirability of avoiding any further increase in the burden to be borne by the taxpayers, I think the matter could well stand for another year, the City Council in the meantime making such necessary and temporary repairs to the surface of the pavement as it may deem expedient.

I recommend, therefore, that no Order be made approving of the undertaking of the above-mentioned work at this time, leaving it open to the City of St. Catharines to renew its application next year if the City Council sees fit so to do.

(Sgd.) Herbert L. Cummings,
Commissioner.

C. R. McKeown, Esq., K.C.,
Chairman,
Ontario Municipal Board, Toronto.

Toronto, 8th September, 1933.

Procedure File A-4787

In the matter of the Petition of H. J. Heinz Company, under Section 20 of "The Municipal Act," for annexation to the Town of Leamington of part of the

Township of Mersea, and being part of Lots Nos. 6 and 7, in the First Concession of the said Townshp.

September 11th. Petition, Resolution of Council of the Town of Leamington and other material filed.

November 28th. Further material filed.

December 19th. Hearing, 10.30 to 10.40 A.M., at the Board's Chambers. Application granted. Applicant's Solicitor to draft Order and have same approved by the Township of Mersea.

Procedure File A-4793

In the matter of the application of the Corporation of the City of Ottawa, under Section 8 of "The Local Improvement Act," as re-enacted by Section 2 of "The Local Improvement Amendment Act, 1932," for approval of the undertaking of certain Local Improvement Works and the passing of a By-law therefor, and

In the matter of the objection of J. A. Dobie to the construction of a sidewalk on the east side of O'Connor Street, from McLaren Street to the south limit of Lot 4, and

In the matter of the objection of George D. Howith (Administrator of the estate of John T. Whelan) to the construction of a sidewalk on the west side of Cumberland Street, from Clarence Street to Murray Street.

September 15th. Application and copy of Notice of Intention dated August 23rd, 1933, and other material filed.

October 6th. Hearing, 10.00 to 11.00 A.M., Court House, Ottawa. (Vice-Chairman authorized under Section 17, Chapter 27, Ontario Statutes, 1932.) Report: Recommended that Petitions be dismissed.

October 11th. Report adopted.

October 12th. Draft Order filed and Order issued.

October 11th, 1933.

Order

The application of the Corporation of the City of Ottawa, under Subsection (3) of Section 8 of "The Local Improvement Act," as re-enacted by Section 2 of "The Local Improvement Amendment Act, 1932," for the approval by the Board of the undertaking of the construction of those certain Local Improvement sidewalks hereinafter set forth, having come on to be heard before Mr. Vice-Chairman Ellis, duly authorized under Section 17 of "The Ontario Municipal Board Act, 1932," at a special sittings held pursuant to appointment at the City of Ottawa, on Friday, the 6th day of October, A.D. 1933, at the hour of Ten O'Clock in the forenoon, whereupon upon hearing read the notice of intention to apply to the Board for approval of the said works which had been published as provided by Subsection (3) of Section 8 of "The Local Improvement Act" and the Local Improvement reports upon the said works prepared pursuant to the said Act, and upon hearing what was said both in opposition to and in favour of the undertaking of the said works, and Mr. Vice-Chairman Ellis' report on such hearing having been this day adopted as the Order of the Board,

1. The Board hereby approves of the undertaking of the works set forth in Schedule "A" hereto and the passing of a By-law authorizing the construction of same.

2. The Board directs that its fee for the said Sittings be fixed at the sum of $10.00 to be paid by the said Corporation in Law Stamps to be affixed to this Order.

(Sgd.) C. R. McKeown,
Chairman.

(Seal)

SCHEDULE "A"

Report No.	Nature of Work	Location	From	To
696-C	A five-foot concrete sidewalk	East side of O'Connor Street	MacLaren Street	The south limit of Lot 4
697-C	A six-foot concrete sidewalk	West side of Cumberland Street	Clarence Street	Murray Street

PROCEDURE FILE A-4797

Application by the Corporation of the City of Ottawa, under Section 398 of "The Municipal Act," for approval of its Restricted Area By-law No. 7735, prohibiting the use of land and the erection or use of buildings for any other than residential purposes within a certain area in Central Ward defined in the By-law.

September 20th. Application and material filed.

October 20th. Hearing, 10.00 to 10.10 A.M., Court House, Ottawa. Application granted.

October 21st. Draft Order filed.

October 24th. Order issued.

October 20th, 1933.

ORDER

The application of the Corporation of the City of Ottawa, under Section 398 of "The Municipal Act," for approval of its By-law No. 7735, being a By-law of the Corporation of the City of Ottawa prohibiting the use of land and the erection or use of buildings for any other than residential purposes within that area in Central Ward therein defined, having come on to be heard at the Court House, Ottawa, on Friday, the 20th day of October, 1933, pursuant to an appointment given by the Board and dated the 20th day of September, 1933, in the presence of Counsel for the Corporation and of certain owners of property affected by the said By-law, and it appearing that notice of the said application had been duly served upon all the owners of property affected by the said By-law by mailing thereto a copy of the said appointment and of the said By-law by registered letter at least ten clear days before the date fixed for the said Hearing, and upon hearing what was alleged in favour of the said By-law, and no one objecting thereto,

1. The Board hereby approves of By-law No. 7735.

2. And the Board directs that its fee for Law Stamps to be affixed to this Order shall be $15.00.

(Sgd.) J. A. Ellis,
Vice-Chairman.

(Seal)

PROCEDURE FILE A-4801

In the matter of an appeal from the decision of the County Judge as touching the assessment of The Blyth Municipal Telephone System for Business and Income Tax.

BETWEEN:

The Commissioners for the Telephone System of
The Municipality of Blyth,

Applicants,

—and—

The Municipality of The Village of Blyth,

Respondent.

September 27th. Notice of Appeal filed.
October 25th. Hearing, Town Hall, Goderich, Judgement reserved.
November 8th. Judgment delivered.
November 27th. Approved draft Order filed.
November 27th. Order issued.

JUDGMENT

The Respondent, the Municipality of the Village of Blyth, established a municipal telephone system, doing business in the said Village of Blyth, and in some one or more of the surrounding Townships, and the Applicants, the Commissioners of the said telephone system, were duly elected to manage the affairs of the said system.

The Municipality seeks to assess and tax the gross receipts of its own telephone system, and to subject it also to a business assessment.

At the hearing held at the Town of Goderich on Wednesday, the 25th day of October, 1933, Mr. M. H. Ludwig, K.C., as Counsel for the Applicants, contended that the municipal system now taxed by the Respondent, is not under the Act a telephone company, referred to by Section 14, Subsection (1) of "The Assessment Act," and that therefore it is not liable to assessment as to its gross receipts.

But the definition of "telephone company" as it appears in the Act includes a person, and the word "person" is to be interpreted as including a body corporate, and we are quite decided that a municipal telephone system owned and operated by the municipality is a telephone company as referred to in Section 14 of "The Assessment Act." See "Hydro-Electric Power Commission of Ontario and City of Hamilton, 47 O.L.R., 115."

The Municipal Telephone System, therefore, under Section 14, being a telephone company operated in a village, is liable to be assessed for 60 per cent. of the amount of the gross receipts, and we feel that means the gross receipts received by the system for business done within the Municipality of the Village of Blyth.

It was admitted, and the evidence supported the admission, that the gross receipts for the business of this system within the Municipality of Blyth, including $400.00 from long-distance tolls, was $2,330.00, 60 per cent. of which amounts to $1,398.00, and for this amount the system was properly assessed by the Municipality of the Village of Blyth in connection with its gross receipts.

As to the business assessment, it was admitted that the assessment of $733.00 was correct, provided the system is liable for a business assessment at all.

It was argued that because the property was exempt from taxation no business tax could be collected as the business tax issues out of, and is connected with the property, but in the case above mentioned, in 47 O.L.R., it is held that "property" means "real property," that business assessment is a personal tax, and is not affected by the exemption of property, the assessed value of the property being only a method of arriving at the amount of the business assessment.

For this reason we are of the opinion that the business assessment must stand at $733.00, and the assessment roll be changed as to the assessment upon the gross receipts, making the assessable gross receipts $1,398.00 instead of $5,005.00 as at present.

Success being therefore divided as between the parties hereto, this Board does not allow costs in connection with this appeal.

The Board's fee for Law Stamps herein, $15.00, shall be paid by the Respondent.

(Sgd.) C. R. McKeown,
Chairman.

(Sgd.) Herbert L. Cummings,
Commissioner.

Dated at Toronto, this 8th day of November, 1933.

October 25th, 1933.

Order

1. Upon the application of the Commissioners of the Telephone System of the Municipality of Blyth by way of Appeal from the Judgment of His Honour Judge Costello, dated the 26th day of July, 1933, and upon hearing the evidence adduced and what was alleged by Counsel for the Parties,

2. It is ordered that the business assessment of $733.00 for which the Applicants are assessed by the said Respondent shall stand at the said amount.

3. And it is further ordered that the assessment of gross receipts of the said Applicants at the sum of $5,005.00 be and the same is hereby reduced to the sum of $1,398.00 and that the assessment roll of the said Respondent be changed accordingly.

4. And it is further ordered that as success is divided as between the Parties hereto that this Board does not allow costs in connection with this appeal except the sum of $15.00 for Law Stamps which shall be paid by the said Respondent, the Municipality of the Village of Blyth.

(Sgd.) C. R. McKeown,
(Seal) *Chairman.*

Procedure File A-4809

Application by the Corporation of the City of Toronto, under Subsection (2*b*) of Section 398 of "The Municipal Act," for approval of its By-law No. 13963 being a By-law to repeal By-law No. 9712 in so far as it prevents the conversion of No. 30 Maynard Avenue into a duplex-dwelling house.

October 2nd. Application and material filed.

October 24th. Hearing, 10.30 to 10.40 A.M. Application granted. Applicant's Solicitor to draft Order.
October 26th. Draft Order filed.
October 27th. Order issued.

October 24th, 1933.

ORDER

On the application of the Corporation of the City of Toronto, for approval, pursuant to Section 398, Subsection (2*b*) of "The Municipal Act," being R.S.O. 1927, Chapter 233, of its By-law No. 13963, having come on by appointment for hearing this day before this Board, in the presence of Counsel for the Applicant and of Counsel for the owner of property No. 30 Maynard Avenue, no one appearing for the other property owners affected, although duly notified according to the said Statute and the directions of this Board given thereunder as appears by affidavits filed, upon hearing read the material filed, and upon hearing what was alleged by Counsel, and it appearing that there was no opposition to the said application,

The Board orders, under and pursuant to the said Statute, that By-law No. 13963 of the Corporation of the City of Toronto, being intituled "A By-law to repeal By-law No. 9712 in so far as it prevents the conversion of No. 30 Maynard Avenue into a duplex-dwelling house," be and the same is hereby approved.

(Sgd.) C. R. McKEOWN,
Chairman.

(Seal)

PROCEDURE FILE A-4810

BETWEEN:

Harry Dalrymple, *et al*,
Applicants,

—and—

The Commissioners for the Telephone System of the Municipality of Tuckersmith,
Respondents.

(Complaint under Section 90 of "The Telephone Act" as to service)

October 2nd. Application and material filed.
October 25th. Hearing, 2.00 to 3.00 P.M., Court House, Goderich. Commissioners given three weeks to take action, otherwise inspection will be made by the Board's Telephone Inspector and the Board's Order will be based on such report.
November 3rd. Order placed by Respondent for loading coils.

PROCEDURE FILE A-4813

Application by the City of Stratford, under Section 398 (2*b*) of "The Municipal Act," for approval of its By-law No. 3525, amending its Restricted Area By-law No. 2740 as to property on the corner of Nile and Albert Streets to permit the use of same for the purpose of carrying on the business of a Funeral Home and Undertaking Establishment.

October 5th. Application and material filed.

October 25th. Hearing, 3.30 P.M., Council Chamber, Stratford. (Chairman authorized under Section 17, Chapter 27, Ontario Statutes, 1932.) Application granted. Applicant's Solicitor to draft Order.

November 3rd. Draft Order filed.

November 3rd. Order issued.

October 25th, 1933.

ORDER

Upon the application of the said Corporation, such application having been duly heard pursuant to appointment; upon reading the consent of a number of interested property owners filed; upon reading the affidavits of Walter Herbert Dorland and James Morgan Riddell filed, and no one appearing in opposition thereto,

The Board orders, under and in pursuance of the provisions of Section 398 of "The Municipal Act," that the said By-law No. 3525, entituled "By-law No. 3525 of the City of Stratford, being a By-law to amend By-law No. 2740," be and the same is hereby approved.

(Sgd.) C. R. McKEOWN,
(Seal) *Chairman.*

PROCEDURE FILE A-4815a

Application by the City of Brantford, under Section 8 of "The Local Improvement Act," as re-enacted by Section 2 of "The Local Improvement Amendment Act, 1932," for approval of the undertaking of the construction of storm sewers on Huron Street, from Brighton Street to Edward Street, and on Edward Street from Huron to Gordon Street, and asphalt pavement on Eagle Street from the Canal to Erie Avenue.

October 24th. Application filed.

November 10th. Hearing, 10.30 A.M. to 10.45 A.M., Council Chamber, City of Brantford. (Vice-Chairman authorized under Section 17 of Chapter 27, Ontario Statutes, 1932.) Report: Application in respect to each work refused unless majority of property owners' petition for work to be gone on with and petition certified by the Clerk. In this event Order to be made approving the work.

November 13th. Report adopted.

PROCEDURE FILE A-4825

In the matter of the application of the Corporation of the City of Ottawa, under Section 398 of "The Municipal Act," for approval of its By-law No. 7748, restricting the use of land or the erection or use of buildings within a certain area in St. George's Ward (described in the By-law) to detached private dwelling houses.

October 18th. Application and material filed.

November 16th. Hearing, 9.00 to 9.30 A.M., Court House, Ottawa. The Board directs that the By-law be amended to exempt the west half of Block 57 and the northerly 100 feet and the southerly 100 feet of the east half of Block

No. 57 from the By-law; the amending By-law to be approved by Mr. H. P. Hill, K.C., and when so approved the Board will issue Order.

Procedure File A-4827

Between:

The Corporation of the Township of Scarborough,

Appellant,

—and—

The Scarborough Golf Club,

Respondent.

(Assessment Appeal—Land $14,300.00)
(Building 50,000.00)
(Business 8,000.00)

(Total $72,300.00)

October 19th. Notice of Appeal filed.
October 30th. Notice of Corss-appeal filed.
November 28th. Hearing, 10.30 A.M., at the Board's Chambers. Adjourned to 10.30 A.M., December 6th, 1933.
December 6th. Hearing continued, 10.30 A.M. to 12.30 P.M. Judgment *viva voce:* On assessment of building, Judgment of County Judge affirmed. (See Reporter's notes.) Cross-appeal as to land withdrawn.

Procedure File A-4847

Application by The Wroxeter Telephone Company, Limited, under Section 90 of "The Telephone Act," for authority to close the Central Office in Gorrie and transfer all subscribers' circuits terminating upon the switchboard now located at that point to Wroxeter.

October 31st. Application and material filed.
November 24th. Hearing, 1 to 3.30 P.M., Township Hall, Gorrie. (Chairman authorized under Section 17, Chapter 27, Ontario Statutes, 1932.)
December 16th. Report of Chairman filed and adopted.
December 16th. Order.

Report

The undersigned, having heard the evidence of all parties relative to this application, recommends that the annexed Order be adopted as the Order of the Board.

(Sgd.) C. R. McKeown,
Chairman.

I concur: (Sgd.) J. A. Ellis,
Vice-Chairman.

Toronto, December 16th, 1933.

December 16th, 1933.

ORDER

Upon the application of the above-named Applicant, and upon reading the report of C. R. McKeown, Esq., K.C., Chairman, who, pursuant to appointment, heard the evidence adduced on behalf of the Applicant and other parties interested,

The Board orders pursuant to the provisions of Section 90 of "The Telephone Act" (R.S.O. 1927, c. 227), and subject to the conditions herein provided, that the application of the Applicant, the Wroxeter Telephone Company, Limited, for authority to close its Central Office in the Village of Gorrie in the County of Huron and transfer all subscribers' circuits now terminating at that point to the Central Exchange switchboard located in the Village of Wroxeter in the County of Huron, be and the same is hereby granted.

And the Board further orders:

1. That the Applicant shall furnish to any resident in the Village of Gorrie "Individual Line," "Two-Party Line" or "Four-Party Line" service upon payment of the charges as approved by Order of this Board dated November 8th, 1932, or such other charges as may from time to time be approved by this Board.

2. That the Applicant shall at its cost extend the present trunk circuit from Fordwich, now terminating at the Central Office in Gorrie, to its Central Exchange switchboard located in the Village of Wroxeter.

3. The Applicant shall maintain a Public Pay Station in the Village of Gorrie to which there shall continue to be connected the present Long-Distance Toll-Line Circuit of the Bell Telephone Company of Canada.

And the Board makes no order for costs, save and except that the Applicant shall pay $15.00 for the Law Stamps required for this Order.

(Sgd.) C. R. McKEOWN,
Chairman.

(Seal)

PROCEDURE FILE A-4859

In the matter of Section 8 of "The Local Improvement Act," as re-enacted by Section 2 of "The Local Improvement Amendment Act, 1932," and

In the matter of the application of the Corporation of the Township of Trafalgar for approval of the undertaking of the construction of a watermain on Centre Avenue from 161 feet south of McDonald Road to 570 feet north of the Toronto-Hamilton Highway, and the passing of a By-law therefor, and

In the matter of the objection of Mary L. Williams and others thereto.

November 9th. Application and material filed.

November 23rd. Hearing, 10.30 A.M. to 12 MD., at the Board's Chambers. Application part heard and adjourned to Thursday, December 7th, 1933, at 10.30 A.M.

December 7th. Hearing continued. 10.30 to 10.55 A.M. Application dismissed. No fee for Law Stamp.

PROCEDURE FILE A-4879

BETWEEN:

L. B. Beath,

Appellant,

—and—

The Corporation of the City of Toronto,

Respondent.

(Assessment Appeal—Income, $77,074.00)

November 28th. Notice of Appeal filed.

December 19th. Hearing, 11 A.M. to 12.30 P.M. Judgment *viva voce* at conclusion of Hearing: Appeal dismissed. (See Reporter's notes.)

ANALYTICAL CLASSIFIED INDEX OF APPLICATIONS TO THE BOARD

LIST OF APPLICATIONS RESPECTING PROVINCIAL RAILWAYS DURING 1933

	Procedure File	Plan
Canadian National Railways—Closing of Agency Station at Superior Junction, Ontario (see P.F. 69)	A-4606	
Canadian National Railways—Approval of Plan showing dimensions and location of Passenger and Freight Shelter at Mileage 20.9, Kinghorn Subdivision, Ontario	A-4613	
Fort William, City of—Approval of temporary reduction in fares on Fort William Street Railway to five cents cash (November 51th, 1933, to December 31st, 1933)	A-3947	
Port Arthur Street Railway (Public Utilities Commission)—Approval of temporary reduction of fares, to a straight five-cent fare, for months of November and December, 1933	A-4837	
Sandwich, Windsor & Amherstburg Railway Company—Appointment of (3) Members of Company	A-4674	
Toronto Transportation Commission:		
Approval of Plan of proposed addition of one curve to existing special track work at Front and Frederick Streets	A-4520	628
Approval of Amendment to Commission's By-law No. 1 (re leaning out of car windows)	A-4567	
Approval of Plan of Cross-over on Lansdowne Avenue, just north of College Street	A-4599	629
Approval of Operation of certain type of One-Man Cars (bringing approval up to date)	A-4603	
Approval of By-law repealing certain old By-laws and embodying new rules re smoking, standing on exterior portion of car or bus, interference with equipment and changing of moneys	A-4567a	

APPLICATIONS TO THE BOARD FOR VALIDATION OF BY-LAWS UNDER PART V OF CHAPTER 27, ONTARIO STATUTES, 1932

(NOTE: Abbreviation "I.C." means Irregularities cured; Abbreviation "I" means Irregularities **Not** Cured)

Municipality	By-law No.	Purpose	Amount	Procedure File
Aurora, Town of	746	Local Improvements—Sewers	$10,000 00 (I.C.)	A-4710
Brantford, City of	2196 as amended by 2245	C.N. Ry. Subway at West Street	75,000 00	A-4632
Brantford, City of	2353	Unemployment Relief Works	124,000 00	A-4633
Brockville, Town of	1795	Local Improvements—Pavements, etc	70,000 00	A-4656
Colborne, Village of	586	Balance of cost of Waterworks System	15,000 00	A-4485b
Cornwall, Township of	1221 (amended)	Drainage work	10,000 00 (I.C.)	A-4537
Essex Border Utilities Commission	68 (amended by 90)	Storm-water Drainage for Grand Marais Basin	165,663 58	A-4490
East York, Township of	2517	Local Improvements—Watermains, Waterworks Section "C"	7,322 66 (I.C.)	A-4764
Etobicoke, Township of	4053	Extension of Waterworks System	43,300 00 (I.C.)	A-4851a
Etobicoke, Township of	4056 (Con.)	Local Improvements—Sewers and Watermains	15,180 00 (I.C.)	A-4851b
Etobicoke, Township of	4057 (Con.)	Local Improvements—Grading, Sewers and Watermains.	18,570 00 (I.C.)	A-4851c
Elora, Village of	835	Irvine Park Improvements	4,500 00	A-4778a
Etobicoke, Township of	4074	Local Improvements—Watermains in Area No. 13	9,370 00 (I.C.)	A-4912
Fergus, Village of	897	Local Improvements—Sewer	97,869 33 (I.C.)	A-4655
Forest Hill, Village of	743	Local Improvements—Sidewalks and Water Main	5,810 44 (I.C.)	A-4712a
Forest Hill, Village of	745	Local Improvements—Pavements, etc	60,441 30 (I.C.)	A-4712b
Fort William, City of	3257 as amended by 3287 and 3330	Vocational School Purposes	487,525 00	A-4703b
Gore Bay, Town of	396	Purchase of Waterworks System	12,462 25 (I.C.)	A-4716
Gloucester, Township of	14 (1930) amended by 20, 1932	Drainage work	2,312 62 (I.C.)	A-4759d
Hamilton, City of	4497	Local Improvement—Corporation's share of cost of construction of pipe sewers	575,488 71 (I.C.)	A-4663a
Hamilton, City of	4498	Local Improvement—Owner's portion of cost of construction of pipe sewers	361,802 10 (I.C.)	A-4663b
Hamilton, City of	4494	Local Improvement—Owners' portion of cost of opening Bredalbane Street	3,152 08 (I.C.)	A-4687a
Hamilton, City of	4495	Local Improvement—City's share of cost of opening Bredalbane Street	6,575 54 (I.C.)	A-4687b
Hamilton, City of	4480	Swimming Pool—Scott Park	22,000 00	A-4688
Hamilton, City of	4405 amended by 4523	Extension of Longwood Road	300,000 00	A-4675a

Hamilton, City of	4512	Waterworks Extensions			
Hamilton, City of	4524	Overexpenditure re Extension of Longwood Road	20,900 00	(I.C.)	A-4676a
Kitchener, City of	2372 (Con.)	Local Improvements—Street improvements, etc	30,175 80		A-4701
Kincardine, Town of	1090	Local Improvements—Pavements	9,827 00	(I.C.)	A-4709f
Leaside, Town of	367	Local Improvements—Pavements, etc	29,628 50	(I.C.)	A-4836
Markdale, Village of	555	Local Improvements—Pavements, etc	59,710 54	(I.C.)	A-4574
Midland, Town of	1321	On credit of arrears of taxes	50,000 00		A-4692
Mitchell, Town of	181 (1933)	Payment of Debentures of A. Burritt & Company under guarantee	20,000 00		A-4769
Niagara, Town of	984 (amended)	Unemployment Relief Works	19,800 00		A-3797a
Niagara, Township of	751	Local Improvements—Construction, Mississauga Beach Water Supply System	9,400 00		A-4629
Nepean, Township of	1211 (Con.)	Local Improvements—Sewer and Water Mains, Part Unemployment Relief Works	294,774 00	(I.C.)	A-4650
North York, Township of	1864 (Con.)	Local Improvements—Pavements and Street Opening	9,400 00		A-4744
North York, Township of	1865 (Con.)	Local Improvements—Water Mains	58,391 46	(I.C.)	A-4745
Nipigon, Township of	305	Waterworks System	30,000 00		A-4760
Ottawa, City of	7578	Local Improvements—Pavements	73,089 26	(I.C.)	A-4624
Ottawa, City of	7580	Local Improvements—Opening, etc., of Imperial Avenue.	22,031 12	(I.C.)	A-4625a
Owen Sound, City of	280 (amended)	Local Improvements—Sewers	52,521 37		A-4735a
Palmerston, Town of	710	Waterworks Extension and Sewer	12,670 00	(I.C.)	A-4414b
Rosseau, Village of	78	Hydro-Electric Distribution System	13,000 00	(I.C.)	A-4690
Rockcliffe Park, Village of	113	Local Improvement—Water Main	2,298 63	(I.C.)	A-4750
St. Thomas, City of	2916 (amended)	Highway Construction	42,340 21	(I.C.)	A-4505
St. Thomas, City of	2917 (amended)	Highway Construction	4,874 65	(I.C.)	A-4506
Sarnia, City of	1990	Public Park Purposes	10,000 00	(I.C.)	A-4616
Springer, Township of	377	Floating Indebtedness	15,000 00		A-4544a
Stormont, Dundas and Glengarry, United Townships of	2451	Portion of porportion of cost of construction work on King's Highways, 1931 and 1932	50,000 00	(I.C.)	A-4806
Swansea, Village of	540	Local Improvements—Opening of Streets and Improvements and Pavement	26,440 08	(I.C.)	A-4898a
Swansea, Village of	541	Local Improvements—Grading of Streets	23,214 27	(I.C.)	A-4898b
Toronto, City of	13880	Local Improvement—Widening of Eglinton Avenue from Yonge Street to east City Limit	367,233 92	(I.C.)	A-4634
Timmins, Town of	428	Additions, etc., to Sewage Disposal Plant	35,000 00	(I.C.)	A-4743
Trafalgar, Township of	358	Public School Purposes	20,000 00	(I.C.)	A-4882
Wiarton, Town of	306 (amended)	Hydro-Electric Power Distribution System	37,400 00	(I.C.)	A-4511
Windsor, City of	4139	Unemployment Relief Works	97,930 19	(I.C.)	A-4685a
Windsor, City of	4140	Local Improvement—London Street Extension	51,079 25	(I.C.)	A-4685b
Windsor, City of	4154	County Suburban Highway Construction	12,833 80	(I.C.)	A-4685c-1
Windsor, City of	4155	Provincial Suburban Highway Construction	31,066 34	(I.C.)	A-4685c-2
Waterloo, Town of	1081	Local Improvements—Pavements, etc	6,294 40		A-4734
Weston, Town of	759 (Con.)	Local Improvements—Storm Sewers	12,518 35	(I.C.)	A-4842
Winchester, Township of	564	Township's share of cost of construction of Petite Castore River and Annable Creek Drain	46,840 64		A-4878

APPLICATIONS TO THE BOARD FOR APPROVAL OF BY-LAWS UNDER SUBSECTION (2) OF SECTION 399 OF "THE MUNICIPAL ACT"

Municipality	By-law No.	Purpose	Amount	Procedure File
Cobourg, Town of	1511	Waterworks Extensions, etc	$40,000 00	A-4671
Chatham, City of	2472	Waterworks Extensions, etc	30,000 00	A-4805
Fort William, City of	3309	Waterworks Extensions, etc	15,000 00	A-4601
Galt, City of	2930	Waterworks Extensions, etc	40,122 55	A-4577
Hamilton, City of	4512	Waterworks Extensions, etc	25,406 00	A-4653
Kitchener, City of	2378	Extension and improvement to Spring Valley Road Sewage Disposal Plant	10,000 00	A-4705
Kingston, City of	27 (1933)	Gas Works Extensions, etc	63,000 00	A-4799a
Kingston, City of	28 (1933)	Waterworks Extensions, etc	37,000 00	A-4799b
Morrisburg, Village of	568	Electric System Improvements	25,000 00	A-4645
Morrisburg, Village of	574	Electric System Improvements	12,000 00	A-4776
Napanee, Town of	1321 (1933)	Waterworks Extensions, etc	9,000 00	A-4662
Ottawa, City of	7572	Additional cost, etc., of Filtration Plant	310,000 00	A-4487
Ottawa, City of	7692	High-lift Pump and Chemical Apparatus for Waterworks Purposes	35,000 00	A-4727
Ottawa, City of	7694	Waterworks Improvements	30,000 00	A-4774
Sturgeon Point, Village of	129	Extension to Electric Power System	1,200 00	A-4828
Toronto, City of	13881	Revenue Mains	48,000 00	A-4614

MISCELLANEOUS

ANNEXATIONS

		Procedure File
Timmins, Town of	Petition of Rochester Heights, Limited, et al, for annexation thereto of part of the Township of Tisdale (southwest quarter of the south half of Lot 11, Concession III, and the northwest quarter of the north half of Lot 11, Concession II)	A-4768
Leamington, Town of	Petition of H. J. Heinz Company for annexation thereto of part of the Township of Mersea (Parts Lots 6 and 7, Concession I)	A-4787

ARBITRATIONS

(Including References under "The Highway Improvement Act" and "The Public Works Act")

George F. Webb and County of Wentworth—Expropriation of parts Lots 2, 3 and 4, Concession IV, Township of Barton, County of Wentworth	A-4648
Harry J. and Carrie E. Knepper and Niagara Parks Commission—Expropriation of Part Lot 15, Broken Front Concession, southeast angle of Township of Willoughby, County of Welland	A-4689
T. A. Bebee and Department of Northern Development—Expropriation of certain lands in Township of West Ferris for purposes of Trans-Canada Highway	A-4713
Goodier, John Edward and Department of Highways of Ontario—Expropriation of Part Lot 1, Concession VII, Township of Pelham, County of Welland (now Lot 64, Plan 25, Village of Fonthill)	A-4543
Davidson, F., and Department of Highways of Ontario—Expropriation of Part Lot 1, Concession VII, Township of Pelham, County of Welland (now Lot 65, Plan 25, Village of Fonthill)	A-4543a
Cusson, Mathias, and Department of Highways of Ontario—Expropriation of Lot 17, Broken Front Concession, Township of Hawkesbury, County of Russell	A-4594
James, Charles E., and Department of Highways of Ontario—Expropriation of Part Lot 3, Concession IV, Township of Elzevir, County of Hastings	A-4649
Wallace, E. E., and Department of Highways of Ontario—Expropriation of Part Lot 296, Plan M-372, Township of North York, County of York	A-4841

ASSESSMENT APPEALS

	Amount	Procedure File
Childs Company, Limited, vs. City of Toronto (Land and Buildings)	$227,312 00	A-4491
Adams Furniture Co., Ltd., vs. City of Toronto (Land and Buildings)	591,500 00	A-4492
Mary Carty Estate and Martha Carty Estate vs. City of Toronto (Land and Buildings)	365,000 00	A-4493
347 Bay Street Corporation, Ltd., vs. City of Toronto (Land and Buildings)	496,333 00	A-4500
Moore, Nancy, Henry T., and Alfred Franklin, vs. City of Toronto Cosgrave Building	407,834 00	A-4514
Toronto Savings & Loan Co. and Kents, Limited, vs. City of Toronto—Land	182,000 00	A-4531
Binghams, Limited, vs. City of Toronto—Land	178,200 00	A-4532
Huron & Erie Mortgage Corporation vs. City of Toronto—Land and Buildings	427,417 00	A-4538
Ottawa Land Association, Ltd., vs. City of Ottawa—Land	206,926 00	A-4540
Dominion Bank vs. City of Toronto—Land and Buildings	2,020,375 00	A-4542
Toronto United Garages, Limited, vs. City of Toronto—Land and Buildings	368,010 00	A-4545
Bank of Montreal vs. City of Toronto—Land and Buildings	387,057 00	A-4546
Holt Renfrew Co., Ltd., vs. City of Toronto—Land and Buildings	443,750 00	A-4547
Jay, A. J., vs. City of Toronto—Land and Buildings	250,021 00	A-4548
Tugman, C. F., Estate of, vs. City of Toronto—Land and Buildings	156,583 00	A-4549
Dunfield & Co., Ltd., vs. City of Toronto—Land and Buildings	195,308 00	A-4550
Rathbone, Helen E., and Annie, vs. City of Toronto—Land and Buildings	67,000 00	A-4551

ASSESSMENT APPEALS—CONTINUED

	Amount	Procedure File
Imperial Oil, Limited, vs. City of Toronto—Land and Buildings	$698,625 00	A-4552
14 King Street East, Limited, vs. City of Toronto—Land and Buildings	246,750 00	A-4553
Globe Realty, Ltd., vs. City of Toronto—Land and Buildings	400,900 00	A-4554
Guardian Realty Company of Canada, Ltd., vs. City of Toronto—Land and Buildings, 2 parcels	1,571,375 00	A-4555-6
Canada Permanent Trust Co. vs. City of Toronto—Land and Buildings	145,333 00	A-4557
Bank of Toronto vs. City of Toronto—Land and Buildings	947,000 00	A-4558
Childs Company, Ltd., vs. City of Toronto—Land and Buildings	416,575 00	A-4559
Michie & Co., Ltd., vs. City of Toronto—Land and Buildings	243,000 00	A-4560
King, Victoria, Ltd., vs. City of Toronto—Land and Buildings	640,842 00	A-4561
Bowles Lunch, Limited, vs. City of Toronto—Land and Buildings	385,450 00	A-4562
Quebec Buildings, Ltd., vs. City of Toronto—Land and Buildings	705,150 00	A-4563
Crown Life Insurance Co. vs. City of Toronto—Land and Buildings	310,600 00	A-4564
Toronto, City of, vs. T. Eaton Co., Ltd.—Property and Business	5,907,183 00	A-4565
Fairweathers, Ltd., vs. City of Toronto—Land and Buildings	364,500 00	A-4570
Henry Cawthra Lands, Ltd., and Ellis Bros., Ltd., vs. City of Toronto	418,292 00	A-4571
Ryrie-Birks, Ltd., A. M. Adamson and W. H. Cawthra vs. City of Toronto—Land and Buildings	588,200 00	A-4572
Imperial Oil, Limited, vs. Town of Fort Frances—Land and Buildings	19,300 00	A-4708
H. R. A. Moyer vs. Township of Scarborough—Land and Buildings	44,925 00	A-4738
Norman P. Martin vs. Township of Scarborough—Land and Buildings	59,800 00	A-4739
The Toronto Hunt vs. Township of Scarborough—Land, also Cross-appeal	151,955 00	A-4746
Canada Cement Co., Ltd., vs. Village of Lakefield—Business	45,000 00	A-4747
Canadian International Paper Co. vs. Town of Hawkesbury—Mill Property	818,880 00	A-4765
Commissioners for Telephone System of Municipality of Blyth vs. Corporation of Village of Blyth—Business and Income	5,738 00	A-4801
Scarborough, Township of, vs. Scarborough Golf Club	72,300 00	A-4827
Ontario Jockey Club vs. City of Toronto—Land and Premises and Business	954,579 00	A-4839
Robt. M. Yeomans & Co. vs. City of Toronto—Land and Buildings	123,275 00	A-4866
Beath, L. B., vs. City of Toronto—Income	77,074 00	A-4879
City of London vs. Silverwoods Securities, Ltd.—Income	47,453 00	A-4886
Boake Manufacturing Co., Ltd., vs. City of Toronto—Land	92,000 00	A-4900

BILLS

(Referred to the Board under Section 51, Chapter 27, Ontario Statutes, 1932)

Municipality	Bill No. (1933)		Procedure File
Tilsonburg, Town of	25		A-4610
Cornwall, Town of	44		A-4611

BY-LAWS

(Approved under Section 78 (c) of "The Ontario Municipal Board Act, 1932")

Municipality	By-law No.	Purpose	Procedure File
Mimico, Town of	883	Repealing By-law 869 appointing Finance Commissioner	A-4449a
Rosseau, Village of	78	Amending By-law 40 ($15,000 for Hydro-Electric Distribution System)—Repeal of residue of $2,000.00 not required thereunder	A-4690
Mimico, Town of	887	Re Agreement for consolidation of debt owing to Bank of Montreal	A-4758
Caledon, Township of	996	Liquidation of $1,610.34 of debenture issue of $32,000 under By-law 823 (Establishment of telephone system)	A-4754

DEFAULTING MUNICIPALITIES

(Part VI, Chapter 27, Ontario Statutes, 1932)

	Procedure File
Mimico, Town of	A-4600
Long Branch, Village of	A-4630
Essex, Town of	A-4665
Essex Border Utilities Commission	A-4673
Hawkesbury, Town of	A-4698
Dysart, Municipality of	A-4749
Rockland, Town of	A-4795
York, Township of	A-4856
East York, Township of	A-4865

DEFAULTING ROMAN CATHOLIC SEPARATE SCHOOL BOARDS

(Part VI, Chapter 27, Ontario Statutes, 1932)

	Procedure File
LaSalle, Town of	A-4024a
Windsor, City of	A-4420a
Sandwich East, Township of	A-4008a

EXTENSION OF DEBENTURE ISSUE PERIOD

(Section 296 (11) (12) of "The Municipal Act")

Municipality	By-law No.	Purpose	Amount	Procedure File
Brantford, City of	2196 amended by 2245	City's share of cost of C.N.R. Subway	$75,000 00	A-4678
Rosseau, Village of	40 amended by 78	Hydro-Electric Power Distribution System	13,000 00	A-4690a
Owen Sound, City of	280 amended by 418	Local Improvements—Sewers	52,521 37	A-4735
Gloucester, Township of	14 (1930) amended by 20 (1932)	Drainage Work	2,312 62	A-4759c
North York, Township of	443 (Con.)	Local Improvements—Watermains	10,825 00	A-4798
Kingston, City of	22 (1928)	Local Improvements—Pavements	121,445 35	A-4877a
Kingston, City of	27 (1929)	Local Improvements—Pavements	142,299 20	A-4877b
Kingston, City of	19 (1930)	Local Improvements—Pavements	114,716 30	A-4877c

FLOATING INDEBTEDNESS

(Authority to Municipalities to Issue Debentures to Pay—Under Section 78 (d) of Part V, of Chapter 27, Ontario Statutes, 1932)

Municipality	By-law No.	Amount	Procedure File
Petrolia, Town of	1422	$30,000 00	A-4486
Port Carling, Village of	380	5,000 00	A-4501
Nelson, Township of	945	98,000 00	A-4502
Gananoque, Town of	...	30,000 00	A-4513
Bracebridge, Town of	580	15,000 00	A-4523
Burlington, Town of	746	60,000 00	A-4524
Watford, Village of	...	10,000 00	A-4536
Springer, Township of	377	15,000 00	A-4544
Englehart, Town of	274	10,000 00	A-4602
Pembroke, Town of	...	40,000 00	A-4615
Lindsay, Town of	1941	80,000 00	A-4621

FLOATING INDEBTEDNESS—Continued

		Amount	Procedure File
North Fredericksburg, Township of	4	$49,000 00	A-4627
Hawkesbury, Town of	...	88,000 00	A-4636
Amherstburg Island, Township of	219	10,000 00	A-4664
Hamilton, City of	4524	20,900 00	A-4676
North Bay, City of	1115	200,000 00	A-4721
Fort Frances, Town of	1110	50,000 00	A-4777
Mitchell, Town of	....	20,000 00	A-4769a
Preston, Town of	1121	8,000 00	A-4812
Aldborough, Township of	1527	12,000 00	A-4824
Hastings, County of	....	96,687 79	A-4826
Smiths Falls, Town of	2099	40,000 00	A-4868
Midland, Town of	1331	50,000 00	A-4881

FIRE HALLS, FIRE ENGINES, ETC.

("The Municipal Amendment Act, 1931," Chapter 50, Section 27)

Municipality	Purpose	Amount	Procedure File
Brockville, Town of	Combination Hook and Ladder Truck, etc	$15,500 00	A-4512
Tillsonburg, Town of	Installation and Extension of Fire-protection System	20,000 00	A-4794

HIGHWAYS (NARROW)

(Section 490 (2) of "The Municipal Act")

Municipality	By-law No.	Purpose	Procedure File
Waterloo, Township of	306-A	Extension, etc., of Waterloo Street, (Police) Village of Bridgeport (40.26')	A-4526
Hamilton, City of	4493	Opening, etc., of Mohawk Street (40' 9")	A-4618
Ottawa, City of	(See 7580)	Opening of Imperial Avenue (55')	A-4625

INCREASED BORROWINGS BY MUNICIPALITIES

(Section 347 (7) of "The Municipal Act" as re-enacted by Section 10 (2) of Chapter 37, Ontario Statutes, 1933)

Municipality	Amount	Procedure File
Lennox and Addington, County of	98.2%	A-4623
Lincoln, County of	$370,316 66	A-4679
Belleville, City of	427,000 00	A-4724
Capreol, Town of	90%	A-4728
Victoria, County of	100%	A-4748
Orillia, Town of	75,000 00	A-4761
Almonte, Town of	80%	A-4767
Wellington, County of	290,000 00	A-4775
Etobicoke, Township of	125,000 00 in excess of 70%	A-4796
Colchester North, Township of	80%	A-4804
Stamford, Township of	99.8%	A-4808
Kenora, Town of	100%	A-4819
Halton, County of	100%	A-4834
Kingsville, Town of	85%	A-4835
North Bay, City of	90%	A-4838
Kincardine, Town of	80%	A-4843
Weston, Town of	50,000 00 in excess of 70%	A-4849
Georgetown, Town of	99%	A-4852
Fort Francis, Town of	100%	A-4869
St. Marys, Town of	16,000 00 in excess of 70%	A-4888
Preston, Town of	30,000 00 in excess of 70%	A-4891
Esquesing, Township of	100%	A-4893
Mimico, Town of	21,000 00 in excess of 70%	A-4920

INCORPORATIONS

(Section 18 of "The Municipal Act," Chapter 233, R.S.O. 1927)

		Procedure File
Coniston, Town of	Incorporation of,—part of Township of Neelon (Neelon and Garson)	A-4741

CHANGE IN RATE OF INTEREST ON DEBENTURES

Approval of, under Section 300 of "The Municipal Act" (Chapter 233, R.S.O. 1927)

INTEREST INCREASE

Municipality	Debenture By-law No.	Purpose	Amending By-law No.	Rate	Amount	Procedure File
Fort William, City of	3257	School Purposes	3330	5½% to 6%	$487,525 00	A-4703

INTEREST DECREASE

St. Thomas, City of	2916	Highway construction	2952	6% to 5½%	42,340 21	A-4505a
St. Thomas, City of	2917	Highway construction	2953	6% to 5½%	4,874 65	A-4506a
Colborne, Village of	584	Electrical distribution system	597	6½% to 6%	15,000 00	A-4659
Hamilton, City of	4405	Extension of Longwood Road	4523	6% to 5%	300,000 00	A-4675
Petrolia, Town of	1422	Consolidation of floating debt	1432	6% to 5½%	30,000 00	A-4486a

LEGISLATION (SPECIAL)

	Procedure File
Hand, Thos. Wm., vs. City of Hamilton—Appeal re Assessment of Lands on Longwood Road	A-4668
Westdale Properties, Ltd., vs. City of Hamilton—Appeal re Assessment of Lands on Sterling Street	A-4669
Carleton, County of—Approval of passing, etc., of By-law for County and Provincial Highway Construction (1932) and issue of debentures therefor ($27,036.00)	A-4699
Walkerville Housing Commission—Approval of form of Agreement revising Sales Agreements taken over from Border Housing Commission	A-4736
Gloucester, Township of—Approval of debenture issue under By-law 14 (1930) as amended by By-law 20 (1932), $2,312.62, for drainage work	A-4759a
Walkerville Housing Commission—Approval of form of Agreements (30) revising Sales Agreements taken over from Border Housing Commission	A-4780
Scarborough, Township of—Approval of undertaking (on Petition) of construction of watermain on Granger Avenue	A-4816
Walkerville, Town of—Approval of issuing of debentures under By-law 1378, $140,000 for Housing Commission purposes	A-4911
Cobourg, Town of—Approval of the passing of By-law 1518, $2,200.00, for the purchase of park lands and authorizing the debenture issue therefor	A-4913

LOCAL IMPROVEMENTS

(Approval of the Undertaking of Local Improvement Works and the Passing of a By-law therefor—Under Section 8 of "The Local Improvement Act" as re-enacted by Section 2, Chapter 29, Ontario Statutes, 1932)

Municipality	Date of Notice of Intention	Work	Procedure File
Belleville, City of	Dec. 12th, 1932	Sanitary sewer on Parker Street	A-4489
Brantford, City of	Feb. 15th, 1933	Storm sewers, Waterloo and other streets	A-4587
East York, Township of	Mar. 28th, 1933	Concrete sidewalk, Don Mills Road, south side	A-4593a

LOCAL IMPROVEMENTS—CONTINUED

Municipality	Date of Notice of Intention	Work	Procedure File
East York, Township of..	Feb. 24th, 1933	Concrete sidewalk, Strathmore Boulevard and Dentonia Park Avenue...	A-4593b
East York, Township of..	Feb. 24th, 1933	Watermain, Coborn Avenue.....	A-4593b
Hamilton, City of.....	Mar. 17th, 1933	Widening of King Street from Ottawa Street to Kenilworth Avenue.....	A-4628
Hamilton, City of.....	April 26th, 1933	Cement walk on Main Street, south side, from Forsyth to 300 feet west of Emerson Avenue.....	A-4702
Etobicoke, Township of..	Dec. 15th, 1932	Macadam roadway on Edgehill Avenue and watermain on Morgan Avenue.	A-4704
Ottawa, City of.....	June 8th, 1933	Sidewalk on west side of Percy Street from McLeod Street to point 66 feet north.....	A-4714
Simcoe, Town of.....	June 16th, 1933	Sanitary sewer on Crescent Road and Park Lane.....	A-4723
Ottawa, City of.....	June 22nd, 1933	Curbing on south side of Woodbine Place; sidewalk on east side of Percy Street; and sidewalk on west side of Lyon Street.....	A-4729a-b-c
Toronto, City of.....	June 30th, 1933	Concrete pavement on Avenue Road, Lonsdale Road and Oriole Parkway	A-4733
Prescott, Town of.....	June 15th, 1933	Pavement on Edward Street.....	A-4740
Guelph, City of.....	June 20th, 1933	Curbs and gutters, Durham and other streets.....	A-4751
	July 7th, 1933	Sidewalks, York Road and Woolwich Avenue.....	
Kingston, City of.....	May 26th, 1933	Pavements and sidewalks on Adelaid Street, etc.....	A-4753
North York, Township of	April 26th, 1933	Macadam pavement, Poyntz Avenue.	A-4756a
North York, Township of	April 26th, 1933	Watermain on Grey Street.....	A-4756b
North York, Township of	April 12th, 1933	Macadam pavement, Ranee Avenue..	A-4756c
Ottawa, City of.....	July 20th, 1933	Sidewalk, west side of Chapel Street; north side, Daly Avenue; resurfacing Echo Drive; and sidewalks, south side Echo Drive; east side Bronson Avenue, and east side Lyon Street..	A-4762
St. Catharines, City of...	July 31st, 1933	Asphalt pavement on Trafalgar Street	A-4771
St. Catharines, City of...	July 31st, 1933	Asphalt pavement on Court Street...	A-4771a
Alvinston, Village of.....	Aug. 8th, 1933	Sidewalk, east side, River Street, south	A-4779
Ottawa, City of.....	Aug. 11th, 1933	Sidewalk, west side, Seneca Street and south side Gilmour Street, and curbing north side Gladstone Avenue...	A-4781
Kitchener, City of.....	Aug. 3rd, 1933	Grading and gravelling of Crescent Street.....	A-4792
Ottawa, City of.....	Aug. 23rd, 1933	Sidewalks on east side O'Connor Street; west side Cumberland Street; and south side Lewis Street (2 sections).....	A-4793
London, City of.....	Sept. 5th, 1933	Reconstruction of sidewalks used as driveways to certain gasoline stations.....	A-4807
Etobicoke, Township of..	Sept. 7th, 1933	Watermain on Princeton Road.....	A-4811
Brantford, City of.....	Sept. 12th, 1933	Pavements on Greenwich Street, etc..	A-4815
Stratford, City of.....	Sept. 14th, 1933	Gravel road on William Street.....	A-4817
Forest Hill, Village of....	Sept. 16th, 1933	Watermain on Caldow Avenue.....	A-4818
Stratford, City of.....	Sept. 26th, 1933	Tar macadam road on Romeo Street..	A-4830
Brantford, City of.....	Sept. 12th, 1933	Sewers and pavements on Huron Street, etc.....	A-4815a
Sarnia, City of.....	Oct. 12th, 1933	Sanitary sewer on Capel and Nelson Streets.....	A-4857
Trafalgar, Township of...	Aug. 29th, 1933	Watermain, Centre Avenue.....	A-4859
Brantford, City of.....	Oct. 6th, 1933	Pavements, Clarence Street and Terrace Hill.....	A-4861
Kitchener, City of.....	Nov. 16th, 1933	Storm drain, Stahl Avenue.....	A-4903a
Kitchener, City of.....	Nov. 16th, 1933	Storm drain, Edward Street.....	A-4903b
Kitchener, City of.....	Nov. 16th, 1933	"West Ward Drain".....	A-4904
Fort Erie, Town of.....	Nov. 14th, 1933	Sanitary sewer, Idlewylde Place.....	A-4914

LOCAL IMPROVEMENTS—PART ONLY OF WORK

(Section 18 of "The Local Improvement Act")

Municipality	Amending By-law No.	Original By-law No.	Procedure File
Kingston, City of	9 (1933)	48 (1931)	A-4541
Toronto, City of	13852	13572	A-4592
Fergus, Village of	896	855	A-4655a
Aurora, Town of	749	702	A-4710a
Toronto, City of	13980	13905	A-4860
Brantford, City of	2393	2386	A-4862

LOCAL IMPROVEMENTS—APPORTIONMENT OF COST

Municipality	By-law No.	Purpose	Procedure File
Kincardine, Town of	1067	Pavement on Penetangore Row and Huron Terrace Streets	A-4709a
Kincardine, Town of	1068	Pavement on Penetangore Row	A-4709b
Kincardine, Town of	1069½	Pavement on Albert Street	A-4709c
Kincardine, Town of	1070	Pavement on Gordon Street	A-4709d
Kincardine, Town of	1071	Sidewalk on Harbor Street, south side	A-4709e
North York, Township of	1770 and 1771	Pavements on Powell Avenue and Maniza Street	A-4744a

LOCAL IMPROVEMENT—CLAIM FOR EXEMPTION OR REDUCTION OF ASSESSMENT OF PROPERTY FOR OPENING OF LANE

(Section 27a of "The Local Improvement Act" as re-enacted by Section 2, Chapter 26, Ontario Statutes, 1933)

Claimant	Municipality	By-law No.	Location of Lane		Procedure File
Buckley, John	Toronto, City of	13580	Between Greenlaw Avenue and St. Clarens Avenue, north of Davenport		A-4715
Lennox, Robert C.	Toronto, City of	13580	do.	do.	A-4715a
McCordie, James	Toronto, City of	13580	do.	do.	A-4715c
Hancock, Ernest E. and Nellie	Toronto, City of	.....	At rear of No. 203 Rosemount Avenue		A-4901

"THE ONTARIO MUNICIPAL BOARD ACT, 1932"

(Chapter 27)

	Procedure File
County of Essex vs. City of Windsor—Appeal under Sections 93 and 106 (2) respecting payment of balance of cost of administration of justice	A-4788
County of Essex vs. City of East Windsor—Appeal under Sections 93 and 106 (2) respecting payment of balance of cost of administration of justice	A-4789

PARKS—SETTING ASIDE PART OF FOR ATHLETIC PURPOSES

(Section 12 of "The Public Parks Act," Chapter 248, R.S.O. 1927)

Municipality	By-law No.	Property affected	Procedure File
Midland, Town of	....	Midland Town Park	A-4503
Carleton Place, Town of	1084	Riverside Park	A-4666
Palmerston, Town of	723	Lots 90 and 91 north side of Daly Street and Lots 110 and 111 south side of Boulton Street	A-4755
Elora, Village of	833	Irvine Park	A-4778
Palmerston, Town of	726	Lots 90 and 91, north side of Daly Street, and Lots 110 and 111, south side of Boulton Street	A-4832

POWER COMMISSION AND PUBLIC UTILITIES

(Chapter 57, R.S.O. 1927, as enacted by Chapter 13, Section 3, Ontario Statutes, 1931)

	Procedure File
Gore Bay, Town of—Approval of transfer of Distribution System (not Generating System) to Hydro-Electric Power Commission of Ontario	A-4757

REPEAL OF MONEY BY-LAWS AS TO RESIDUE NOT RAISED

(Section 301 (2) of "The Municipal Act")

Colborne, Village of—Approval of By-law 580, repealing By-law 554 (as amended by By-law 562), $65,000.00 for Waterworks System; as to residue of $10,000.00 not required thereunder..... A-4485

RESTRICTED AREAS

(Section 398 of "The Municipal Act")

Municipality	By-law No.	Area Restricted	Procedure File
Toronto, City of.....	13818	Homewood Avenue.....	A-4499
Toronto, City of.....	13795	Riverview Avenue, Snowdon Avenue and Golfdale Road.....	A-4507
Ottawa, City of.....	7604	Portion of St. George's Ward.....	A-4583
Ottawa, City of.....	7605	Portion of St. George's Ward.....	A-4584
Ottawa, City of.....	7606	Portion of Dalhousie Ward.....	A-4585
Ottawa, City of.....	7610	Portion of St. George's Ward.....	A-4588
Etobicoke, Township of	4018	Pearson Heights Avenue, etc.....	A-4620
Forest Hill, Village of..	730	Castlefield Avenue, St. Clements Avenue, Briar Hill Avenue and Caldow Avenue.....	A-4631
Mimico, Town of.....	880	Lake Shore Road, south or southwest side, between Edyth Avenue and Church Street..	A-4642
Ottawa, City of.....	7641	Area in "Central Ward".....	A-4661
Ottawa, City of.....	7735	Maclaren Street, etc. (part of Central Ward)..	A-4797
Ottawa, City of.....	7748	Mann Avenue, etc. (part of St. George's Ward)	A-4825
Forest Hill, Village of..	629	Parts of Spadina Road, North Walmer Road and Vesta Drive.....	A-4894
Forest Hill, Village of..	751	Old Forest Hill Road, between Eglinton Avenue and Bathurst Street.....	A-4902

REPEAL OR AMENDMENT OF RESTRICTED AREAS

(Section 398 (2b) of "The Municipal Act")

Municipality	Amending By-law No.	Original By-law No.	Area Affected	Procedure File
Toronto, City of.....	13796	12958	To permit erection of dwelling house on 25′ of east ½ of Lot 228, Plan M-25, south side, Castlefield Avenue.....	A-4566
East York, Township of	2484	1243 as amended by 1347	Addition to area, under By-law 1243.....	A-4590
Kitchener, City of.....	2377	1823 as amended by 1834 and 1835	Addition to Light Industrial Districts Area.....	A-4706
Toronto, City of.....	13963	9712	No. 30 Maynard Avenue, conversion into duplex dwelling.	A-4809
Stratford, City of.....	3525	2740	Use of property at corner of Nile and Albert Streets for Funeral Parlor, etc.....	A-4813
Forest Hill, Village of..	773	179 and 459	Re allotment of certain Lots, Plans 824-M, 348 and M-347	A-4895
Forest Hill, Village of..	782	358	To permit erection of Church, north side of Wembley Road.	A-4896
Toronto, City of.....	14006 and 14037	12958	To permit erection of private house on east part Lot 45, Plan 734 (frontage less than 25 feet).....	A-4905
Toronto, City of.....	13819	12958	To permit erection of private houses on Lots 156, 157 and 164, Plan M-25, north side Briar Hill Avenue (frontage less than 33 1/3 feet).....	A-4915

STERLING—ISSUE OF DEBENTURES IN

(Section 296a of "The Municipal Act" as enacted by Section 8 of "The Municipal Amendment Act, 1933," Chapter 37)

	Procedure File
Fort William, City of—Approval By-law 3330, amending By-law 3257 (as amended by By-law 3287), $487,525.00 for School Purposes	A-4703

SINKING FUNDS

(Approval of Investment of, under Section 317 of "The Municipal Act")

Municipality	Sinking Fund Investment By-law	Debenture By-law	Purpose	Amount	Procedure File
Wiarton, Town of	349	306 amended by 343	Hydro-Electric Distribution System	$37,400 00	A-4511a
Lindsay, Town of	1942	1941	Floating indebtedness	30,968 66	A-4621a
Peterborough, City of (Peterborough City Trust)	....	1847	Sewers	50,000 00	A-4670
Sault Ste. Marie, City of	1535	867 and 868	.....	10,000 00	A-4677
Galt, City of	2946	2912	Unemployment Relief Works	41,400 00	A-4737
St. Catharines, City of	4168	4167	Local Improvements	4,436 32	A-4870
Fort William, City of	3337	3327 and 3328	Unemployment Relief Works	189,797 99	A-4871
Peterborough, City of (Peterborough City Trust)	....	1215	Public School Purposes	35,000 00	A-4889

TAX RATE

(Section 306 (2) of "The Municipal Act")

Municipality	By-law No.	Purpose	Amount	Procedure File
Colborne, Village of	586	Waterworks System	$15,000 00	A-4485a
Gananoque, Town of	....	Floating indebtedness	30,000 00	A-4513a
Kincardine, Town of	1081	Installation of Intake Pipe	15,000 00	A-4516
Renfrew, Town of	1262	Electric Power Extension	8,000 00	A-4415a
Morrisburg, Village of	568	Electric Power Extension	25,000 00	A-4645a
Cobourg, Town of	1511	Waterworks Extensions, etc	40,000 00	A-4671a
Midland, Town of	1320	Direct Relief	26,000 00	A-4691a
Midland, Town of	1321	On credit of arrears of taxes	50,000 00	A-4692a
Timmins, Town of	428	Alterations, etc., to Sewage Disposal Plant	35,000 00	A-4743a
Palmerston, Town of	723	Parks purposes	6,500 00	A-4755a
Gloucester, Township of	14 (1930) amended by 20 (1932)	Drainage Work	2,312 62	A-4759b
Weston, Town of	747	Waterworks Extensions	10,000 00	A-4790
Morrisburg, Village of	574 amended	Auxiliary Electric Plant	12,000 00	A-4776a
Almonte, Town of	....	Unemployment	8,000 00	A-4802
Preston, Town of	1121	Part of floating debt	8,000 00	A-4811
Weston, Town of	759	Local Improvements—Storm Sewers	12,518 35	A-4842a
York, Township of	....	Baffle Walls, Sewage Disposal Plant	4,000 00	A-4863a
York, Township of	....	Avon Avenue Sewer	3,505 00	A-4863b
Etobicoke, Township of	4053	Waterworks Extensions	43,300 00	A-4851a-1
Penetanguishene, Town of	....	Watermains and Reservoir	20,000 00	A-4892
Brantford, City of	2400	Direct Relief	100,000 00	A-4907a
Brantford, City of	2369	Maturing instalments of principal due in 1932 and 1933	50,000 00	A-4908a
Brantford, City of	2396	Local Improvements	21,502 00	A-4908b

THE UNEMPLOYMENT RELIEF ACT (ONTARIO), 1931, 1932 AND 1933

(WORKS)

Municipality	By-law No.	Purpose	Amount	Procedure File
Ottawa, City of	.....	Approaches to Chaudier Bridge, Street Widening, etc.	$320,000 00	A-4488
Owen Sound, City of	642	Grading, etc., of 6th Street East and 9th Avenue West	84,000 00	A-4518
Toronto, City of	13847	Relief Sewers—Park Drive, etc.	167,000 00	A-4525a
Toronto, City of	13846	Exhibition Sea Wall, etc.	313,000 00	A-4525b
Toronto, City of	13848	Rosedale Creek Sewer	818,000 00	A-4525c
Newmarket, Town of	.....	Local Improvements—Pavements, etc., and Sewers	14,100 00	A-4578
Arthur, Village of	841	Completion, etc., of Waterworks System	4,000 00	A-4605
Toronto, City of	13888	Combined Police and Fire Department Garage and Repair Shop	186,000 00	A-4609
Toronto, City of	13894	Watermain Construction	118,000 00	A-4617
Toronto, City of	13893	Waterworks Building	410,000 00	A-4617a
Nepean, Township of	1207	Local Improvements—Sewers and Watermains	234,590 94	A-4626
Nepean, Township of	1208	Local Improvements—Sewers and Watermains	38,500 00	A-4637
Peterborough, City of	.....	Local Improvements—Curbs, etc.	4,200 00	A-4646a
Peterborough, City of	.....	Local Improvements—Sidewalks, etc.	6,200 00	A-4646b
Peterborough, City of	.....	Local Improvements—Sewers and Private Drain Connections	6,979 51	A-4646c
Hamilton, City of	.....	West End Pumping Station, etc.	1,187,164 00	A-4651
Stamford, Township of	.....	Local Improvements—Sewers	8,303 67	A-4657a
Stamford, Township of	.....	Local Improvements—Sidewalks and Watermains	2,717 83	A-4657
St. Thomas, City of	3004	Sewers	20,000 00	A-4447d
St. Thomas, City of	3005	Grading part of London and Port Stanley Road	17,500 00	A-4447e
Welland, City of	840	Bridge over Welland River, Main Street	45,926 78	A-4693a
Welland, City of	841	Widening of part of South Main Street, etc	4,011 38	A-4693b
London, City of	.....	St. Julian Trunk Sewer System	239,000 00	A-4700
London, City of	.....	Bathurst Street Sewer	178,000 00	A-4707
Brampton, Town of	.....	Storm Sewers in Brampton Cemetery	4,498 47	A-4763
Swansea, Village of	537	Local Improvements	25,982 78	A-4880
Swansea, Village of	538	Local Improvements	136,326 63	A-4880a

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"THE UNEMPLOYMENT RELIEF ACT (ONTARIO), 1933"

(DIRECT RELIEF)

Municipality	By-law No.	Amount	Procedure File
Hamilton, City of	.....	$500,000 00	A-4652
Sudbury, City of	1556	72,237 76	A-4660
McLean, Township of	592	1,000 00	A-4667
Kenora, Town of	.....	20,000 00	A-4686
Midland, Town of	1320	26,000 00	A-4691
Baldwin, Township of	43	1,000 00	A-4711
Toronto, City of	13960	1,100,000 00	A-4791
Foley, Township of	375	1,200 00	A-4884
Toronto, City of	14020	500,000 00	A-4887
East Ferris, Township of	765	4,000 00	A-4890
Brantford, City of	2400	100,000 00	A-4907
Kingston, City of	35 (1933)	107,000 00	A-4910

WEIGH SCALES AND WEIGHING OF COAL, ETC.

(Section 400 (11) of "The Municipal Act," Chapter 233, R.S.O. 1927)

Municipality	By-law No.	Purpose	Procedure File
Belleville, City of	3112	Regulating the weighing of coal and coke	A-4586
Sandwich, Town of	2177	Regulating the weighing of coal and coke	A-4867
Bowmanville, Town of	1280	Regulating the weighing of coal and coke	A-4876
Strathroy, Town of	1280	Regulating the weighing of coal and coke	A-4885

WORKS ORDERED BY DOMINION RAILWAY COMMISSION AND ONTARIO MUNICIPAL BOARD

(Section 297 (2) (f) of "The Municipal Act," as enacted by Section 18, Chapter 50, Ontario Statutes, 1931)

Municipality	By-law No.	Purpose	Amount	Procedure File
Toronto, City of	13884	City's share of cost of reconstruction of bridge over C.N.R. tracks at Main Street	$146,000 00	A-4612
Oshawa, City of	.....	On account of City's share of cost of C.N.R. subway at Simcoe Street	65,000 00	A-4858

PLANS OF LAND SUBDIVISIONS

Approved by the Board under "The Planning and Development Act," "The Land Titles Act" and "The Registry Act"

Owner	Description of Property	Procedure File
Arnold, William	Part west half of Lot 9, Con. II, Township of Verulam, County of Victoria	A-4622
Cox, Albert H	Part Lots 7 and 8, Con. XII, Township of North Orillia, County of Simcoe	A-4519
Drever, Vernon A. and Colin	Lots 196-198, Registered Plan No. 166, and Lots 12, 11, 10, part Lot 9, Macdonnell Subdivision City of Kingston, County of Frontenac.	A-4535
Dominion Lands Board (Department of the Interior)	Nicholl's Island, Township of Nepean, County of Carleton	A-4752
Fowler, Marcus	Lot 16, Con. IX, Township of Smith, County of Peterborough	A-4726
Goodfellow, W. G	Part Broken Lot 27, Con. IX, Township of Innisfil, County of Simcoe	A-4717
Hettenhausen, J. E	"Grandview Beach," being Mining Location 152, Township of MacGregor, Municipality of Shuniah	A-4766
Interior, Department of	(See "Dominion Lands Board")	A-4752
Kelly, (Mrs.) Cora and (Mrs.) May T	Part Lot 12, east of Communication Road, Township of Smith, County of Peterborough.	A-4772
King Kirkland Gold Mines, Ltd	Surface rights only of Mining Claims L. 2440 and part L. 2441 and L 8001, Township of Lebel (unincorporated), District of Temiskaming	A-4785
Mitchell, Herbert H	Lot 14, Plan 175, Township of Whitchurch, and part Lots 16 and 17, Con. IX, Township of Whitchurch, County of York	A-4732
Marchildon, Alfred	Part north half of Lots 14 and 15, Con. VIII, Township of Tiny, County of Simcoe	A-4833
O'Brien, Helen M	Part Farm Lots 1 and 2, west of Great Cataraqui River, City of Kingston, County of Frontenac	A-4846
Port Dunbarton Development Corporation, Ltd	Part Lots 25 and 26, 3rd Range, Broken Front Concession, Township of Pickering, County of Ontario	A-4573

PLANS OF LAND SUBDIVISIONS—CONTINUED

Owner	Description of Property	Procedure File
Port Darlington Harbour Co.	"Harbour Beaches," being part Lots 9 and 10, Broken Front Concession of Township of Darlington, Town of Bowmanville, County of Durham	A-4725
Sherwin, Alfred	Part Lot 13, Con. IV, Township of Alnwick, County of Northumberland (in lieu of cancelled plan P.F. A-3894)	A-4722
Wheeler, B. and W. A.	Part Broken Lot 34, Con. I, Township of Nottawasaga, County of Simcoe	A-4829
Wringer, Ward A.	Part Township Lot 11, Con. I, Township of Rainham, County of Haldimand	A-4831

LIST OF APPLICATIONS TO THE BOARD UNDER "THE TELEPHONE ACT"

		Procedure File
Andrew, Sydney F.	Approval purchase of "The Stormont Telephone Co. from Estate of Cecilia May Bryan	A-4598
Blyth, Municipality of	Approval agreement for interchange of service with Township of Colborne Telephone System	A-4498
Bruce, Township of	Approval agreement for joining use of poles of Huron and Kinloss Municipal Telephone System	A-4510
Bethesda & Stouffville Telephone Co., Ltd.	Approval authority to issue bonds to replace former issue maturing March 1st, 1933	A-4521
Brudenell & Lyndock Municipal Telephone System	Approval of date for holding annual meeting of subscribers	A-4575
Beeton Telephone Co., Ltd.	Approval of expenditure of portion of depreciation reserve fund in payment of indebtedness to Royal Bank of Canada	A-4581
Bruce Municipal Telephone System.	Approval of date for holding annual meeting of subscribers	A-4589
Brudenell & Lyndock Municipal Telephone System	Approval of extensions to under debenture By-law No. 268 of Municipality of Brudenell and Lyndock	A-4596
Brudenell and Lyndock, Municipality of	Approval of By-law 268, debenture issue, re extensions to Brudenell & Lyndock Municipal Telephone System	A-4596
Bell Telephone Co. of Canada, Ltd.	Approval agreement for purchase from, by North Monck Municipal Telephone System, of certain telephone plant, etc., in Townships of Monck and Macauley	A-4597
Bryan, Cecilia May, Estate of	Approval of agreement for purchase from, by S. F. Aden, of "The Stormont Telephone Co."	A-4598
Brighton Municipal Telephone System	Approval agreement for interchange of service with Cramahe Municipal Telephone System	A-4640
Bolton Telephone Co., Ltd.	Approval agreement for interchange of service with Mono Mills Telephone Co., Ltd.	A-4647
Bell Telephone Co. of Canada, Ltd.	Approval of sale of certain telephone plant and equipment to Commissioners for Telephone System of Municipality of Tyendinaga	A-4653
Bolton Telephone Co., Ltd.	Approval of by-laws of	A-4820
Bell Telephone Co. of Canada, Ltd.	Approval of issue to, of shares of Home Telephone Co., Ltd., in payment for certain plant and equipment	A-4821
Belmont and Methuen, Townships of	Approval of use of certain highways in, to Department of Lands and Forests	A-4823

LIST OF APPLICATIONS TO THE BOARD UNDER "THE TELEPHONE ACT"—CONTINUED

		Procedure File
Bell Telephone Co. of Canada, Ltd.	Approval of purchase from, by Commissioners for Telephone System of Municipality of North Norwich, of certain telephone plant and equipment	A-4873
Bell Telephone Co. of Canada, Ltd.	Approval of purchase from by Commissioners for Wilmot Municipal Telephone System of certain telephone plant and equipment in Township of Wilmot	A-4875
Carleton Counties Telephone Co., Ltd	Approval of amendment to Board's Order of June 8th, 1920, re depreciation reserve fund	A-4495
Chatsworth Rural Telephone Co	Approval of amendment to Board's Order of July 30th, 1921, re depreciation reserve fund.	A-4496
Colborne Municipal Telephone System	Approval of agreement for interchange of service with Municipality of Blyth	A-4498
Colchester North, Township of	Approval of By-law 845, debenture issue re cost of certain extensions to Colchester North Municipal Telephone System	A-4530a
Colchester North, Township of	Approval of By-law 913, debenture issue re cost of certain extensions to Colchester North Municipal Telephone System	A-4530b
Colchester North, Township of	Approval of By-law 961, debenture issue re cost of certain extensions to Colchester North Municipal Telephone System	A-4530c
Colchester North, Township of	Approval of By-law 1050, debenture issue re cost of certain extensions to Colchester North Municipal Telephone System	A-4530d
Cramahe Municipal Telephone System	Approval of agreement for interchange of service with Brighton Municipal Telephone System	A-4640
Caledon, Township of	Approval of By-law 996, liquidation of $1,610.44 of debentures under By-law 883, $32,000 for establishment of telephone system	A-4754
Cumberland, Township of	Approval of By-law 956, establishment of telephone system	A-4786
Chippewa Rural Telephone Co., Ltd.	Approval of agreement for interchange of service with Enterprise Telephone System, Ltd	A-4840
Cumberland, Township of	Approval of purchase by, of system of Russell Rural Telephone Co., Ltd	A-4854
Cumberland Municipal Telephone System	Approval of by-laws regulating management and operation of its system	A-4855
Cumberland, Township of	Approval of By-law 963, debenture issue for establishment of telephone system under Part II of "The Telephone Act"	A-4899
Davis, M. L. (Rankin Telephone Co.)	Approval of reinstallation charge	A-4497
Dungannon Municipal Telephone System	Approval of date for holding annual meeting of subscribers	A-4539
Davis, M. L., Alfred Noack, et al, vs.	Approval parallelling of pole leads of Rankin Telephone Co., by Shadynook Telephone Co.	A-4635
Dalrymple, Harry, et al, vs. Commissioners for Telephone System of Municipality of Tuckersmith	Complaint as to service	A-4810
Dysart Municipal Telephone System	Approval of increased charges	A-4822
Dunsford Telephone, Light & Power Co-operative Association	Approval of relief from obligation to set aside portion of revenue for 1933 as reserve for depreciation	A-4848
Euphrasia Municipal Telephone System	Approval of date for holding annual meeting of subscribers	A-4527

LIST OF APPLICATIONS TO THE BOARD UNDER "THE TELEPHONE ACT"—CONTINUED

		Procedure File
East Middlesex Telephone Co., Ltd., vs. Robt. T. Wright, et al	Complaint that company has violated provisions of "The Companies Act" and asking for audit of all books, etc., of the Company	A-4638
Euphrasia Municipal Telephone System	Approval of by-laws regulating control and management of	A-4672
East Luther Telephone Co., Ltd	Approval of sale of certain undertakings to Lillie May Watt of Grand Valley	A-4718
East Luther Telephone Co., Ltd	Approval of parallelling of pole leads of Robt. Henry Edgar Telephone Co., Ltd	A-4803
Robt. Henry Edgar Telephone Co., Ltd., and East Luther Telephone Co., Ltd	Approval of parallelling of pole leads	A-4803
Enterprise Telephone System Ltd	Approval of agreement for interchange of service with Chippewa Rural Telephone Co., Ltd	A-4840
Erin, Township of	Approval of Debenture By-law 11 (1933) for certain reconstructions, etc., of its Municipal Telephone System	A-4906
Falkirk Telephone Co., Ltd	Approval of agreement for interchange of service with London Township Municipal Telephone System	A-4604
Fort William, City of	Approval of By-law 3317, issue of debentures to meet cost of extensions, improvements, etc., to the telephone system	A-4619
Fenella Rural Telephone Co., Ltd	Approval of by-laws for control and management of its undertaking	A-4872
Fenelon Falls Rural Telephone Co., Ltd	Approval of Constitution and By-laws for control, etc., of its undertaking	A-4883
Gore Bay Municipal Telephone System and Manitoulin Island Telephone & Telegraph Co., Ltd	Approval of revision of terms of agreement for interchange of service under Board's Order of May 31st, 1915	A-4643
Grey, Township of	Approval of By-law No. 6 (1933), use of certain highways to Wroxeter Telephone Co., Ltd	A-4683
Gosfield North, Township of	Approval of By-law 757, debenture issue re extensions to Gosfield North Municipal Telephone System	A-4694
Gawas & Shore Road Telephone Co., Ltd	Approval of agreement for interchange of service with St. Joseph Municipal Telephone System	A-4730
Huron & Kinloss Municipal Telephone System	Approval of agreement with Township of Bruce for joint use of poles	A-4510
Huron, Township of, Telephone System (Huron and Kinloss)	Approval of date for holding annual meeting of subscribers	A-4517
Humphrey Municipal Telephone System	Approval of date for holding annual meeting of subscribers	A-4534
Howick Municipal Telephone System	Approval of date for holding annual meeting of subscribers	A-4576
Howick, Township of	Approval of By-law 6 (1933), use of certain highways to The Wroxeter Telephone Co., Ltd	A-4680
Howick Municipal Telephone System	Approval of reinstallation fee	A-4800
Home Telephone Company, Ltd	Approval of issue of fully paid shares to Bell Telephone Co. of Canada in payment for certain plant and equipment	A-4821
Ingersoll Telephone Company, Ltd	Approval of expenditure of portion of depreciation fund on new construction and extensions	A-4782
Jocelyn Municipal Telephone System	Approval of agreement for interchange of service with St. Joseph Municipal Telephone System	A-4731

LIST OF APPLICATIONS TO THE BOARD UNDER "THE TELEPHONE ACT"—Continued

		Procedure File
Kerr Line Telephone Co., Ltd., vs. Queens Line Telephone Co., Ltd.	Complaint re parallelling of pole leads of Applicant's system	A-4639
London Township Municipal Telephone System	Approval of agreement for interchange of service with The Falkirk Telephone Co., Ltd	A-4604
Lands and Forests, Department of	Approval of use of highways of Townships of Belmont and Methuen	A-4823
Mississippi Telephone Co., Ltd	Approval of amendment, Board's Order of January 17th, 1926, re depreciation reserve fund	A-4494
Mount Albert Telephone Co., Ltd	Approval of amendment to certain by-laws regarding control and management of its undertaking	A-4508
Monck, Township of	Approval of By-law 633, debenture issue re extensions to Monck Municipal Telephone System	A-4509
Medora & Wood Municipal Telephone System	Approval of extension of time for payment of debentures under by-law for establishment of telephone system over period of 15 years	A-4641
Manitoulin & North Shore Telephone & Telegraph Co., Ltd., and Commissioners for Telephone System of Municipality of Gore Bay	Approval of revision of terms, etc., agreement for interchange of service under Board's Order of May 31st, 1915	A-4643
Manitoulin & North Shore Telephone & Telegraph Co., Ltd., and Commissioners for Telephone System of Municipality of Gore Bay	Approval of toll charges between all points on Manitoulin Island	A-4644
Mono Mills Telephone Co., Ltd	Approval of agreement for interchange of service with Bolton Telephone Co., Ltd	A-4647
Morris, Township of	Approval of By-law No. 10 (1933), use of certain highways to Wroxeter Telephone Co., Ltd	A-4682
Mustard, John B., vs. Commissioners for Telephone System of Municipality of Tuckersmith	Delivery of all books, etc., of Tuckersmith Municipal Telephone System	A-4770
Metcalfe Rural Telephone Co., Ltd.	Approval of decrease in amount set aside for Depreciation Reserve	A-4897
Northern Telephone Co., Ltd	Approval of expenditure of portion of reserve depreciation fund on new construction, etc.	A-4582
North Monck Municipal Telephone System	Approval of agreement for purchase of telephone plant, etc., in Townships of Monck and Macauley from Bell Telephone Co. of Canada, Ltd	A-4597
Noack, Alfred, et al, vs. M. L. Davis	Approval parallelling of pole leads of Shadynook Telephone Co. by Rankin Telephone Co	A-4635
Northern Telephone Co., Ltd	Approval of free service to A. Fauvelle and Spence	A-4773
North Monck Municipal Telephone System	Approval of increased charges	A-4853
North Norwich Municipal Telephone System	Authority to purchase certain telephone plant and equipment from the Bell Telephone Co. of Canada, Ltd	A-4873
Oliver Municipal Telephone System	Approval of date for holding annual meeting of subscribers	A-4608
Phillips, Gordon Ross	See "Bryan, Cecilia May, Estate of"	A-4598
Queens Line Telephone Co., Ltd., vs. Kerr Line Telephone Co., Ltd	Complaint re parallelling of pole leads of Applicant's system	A-4639
Rankin Telephone Co. (M. L. Davis)	Approval of reinstallation charge	A-4497
Rochester Municipal Telephone System	Approval of date for holding annual meeting of subscribers	A-4607

LIST OF APPLICATIONS TO THE BOARD UNDER "THE TELEPHONE ACT"—CONTINUED

		Procedure File
Russell Rural Telephone Co., Ltd.	Approval of purchase of, by Township of Cumberland	A-4854
Rankin Telephone Co.	Approval of parallelling of pole leads by Shadynook Telephone Co. (Alfred Noack, et al, vs. M. L. Davis)	A-4635
Russell Rural Telephone Co., Ltd.	Approval of By-law 42, surrender of Letters Patent of Incorporation	A-4864
Sparta Rural Telephone Co., Ltd.	Amendment to Board's Order of May 27th, 1921, changing percentage of value of plant and equipment to be set aside for depreciation reserve fund from 5 per cent. to 2½ per cent.	A-4522
Sherwood Municipal Telephone System	Approval of date for holding annual meeting of subscribers	A-4533
Stormont Telephone Co.	Approval of agreement for purchase of, by S. F. Arden from Estate of Cecilia May Bryan	A-4598
Shadynook Telephone Co.	Parallelling of pole leads of Rankin Telephone Co. (Alfred Noack, et al, vs. M. L. Davis)	A-4635
St. Joseph Municipal Telephone System	Approval of agreement for interchange of service with Gawas & Shore Road Telephone Co., Ltd.	A-4730
St. Joseph Municipal Telephone System	Approval of agreement for interchange of service with Jocelyn Municipal Telephone System	A-4731
Southern Ontario Telephone Co., Ltd.	Authority to invest portion of reserve depreciation fund in purchase of Dominion of Canada bonds	A-4874
Tuckersmith Municipal Telephone System	Approval of date for holding annual meeting of subscribers	A-4579
Tichborne Rural Telephone Co., Ltd.	Approval of by-laws governing control and management of its telephone system	A-4595
Tyendinaga Municipal Telephone System	Approval of purchase of certain plant and equipment from the Bell Telephone Co. of Canada, Ltd	A-4654
Turnberry, Township of	Approval of By-law No. 20 (1933), use of certain highways to Wroxeter Telephone Co., Ltd.	A-4681
Tuckersmith Municipal Telephone System vs. J. B. Mustard	Delivering up of all books, etc., of Tuckersmith Municipal Telephone System	A-4770
Tuckersmith Municipal Telephone System vs. Harry Dalrymple, et al.	Complaint as to service	A-4810
Watt Municipal Telephone System	Approval of date for holding annual meeting of subscribers	A-4528
Wright, Robt. T., et al, vs. East Middlesex Telephone Co., Ltd.	Complaint of violation of provisions of "The Companies Act" by Respondent and asking for audit of all books, etc., of Company	A-4638
Wroxeter Telephone Co., Ltd.	Approval of use of certain highways in Township of Howick (By-law 6, 1933)	A-4680
Wroxeter Telephone Co., Ltd.	Approval of use of certain highways in Township of Morris (By-law No. 10, 1933)	A-4682
Wroxeter Telephone Co., Ltd.	Approval of use of certain highways in Township of Turnberry (By-law No. 20, 1933)	A-4681
Wroxeter Telephone Co., Ltd.	Approval of use of certain highways in Township of Grey (By-law 6, 1933)	A-4683
Watt, Lillie May (of Grand Valley)	Approval of sale to, of entire undertaking of East Luther Telephone Co., Ltd	A-4718
Woodbridge & Vaughan Telephone Co., Ltd	Approval of expenditure of portion of depreciation reserve on new construction and extensions	A-4783
Welland County Telephone Co., Ltd.	Approval of expenditure of portion of depreciation reserve on new construction and extensions	A-4784
Wroxeter Telephone Co., Ltd.	Approval of By-laws 1, 2 and 4, control and management of its undertaking	A-4814

LIST OF APPLICATIONS TO THE BOARD UNDER "THE TELEPHONE ACT"—Continued

		Procedure File
Welland County Telephone Co., Ltd.	Authority to issue additional shares of capital stock	A-4844
Welland County Telephone Co., Ltd.	Approval of By-law 41, issue of additional capital stock	A-4844a
Welland County Telephone Co., Ltd.	Authority to expend portion of depreciation reserve in purchase of ten Province of Ontario 6 per cent. bonds	A-4845
Wroxeter Telephone Co., Ltd	Approval of removal of Central Office from Gorrie to Wroxeter, etc	A-4847
Wilmot Municipal Telephone System	Authority to purchase certain telephone plant and equipment in Township of Wilmot from Bell Telephone Co. of Canada, Ltd	A-4875
Yarmouth Rural Telephone Co., Ltd.	Amendment to Board s Order of October 9th, 1915, changing percentage of value of plant and equipment to be set aside for depreciation from 5 per cent. to 2½ per cent	A-4591

LIST OF BELL TELEPHONE AGREEMENTS APPROVED BY THE BOARD UNDER SECTION 97 OF "THE TELEPHONE ACT"

Exchange and Toll Line Agreements

	Procedure File
Austin, D. S. (Murray Brighton Telephone System)	A-4504
Arden & Parham Telephone System (Everett R. Scott)	A-4720
Canadian Pacific Railway Co. (Little Current and Sudbury Toll Circuit)	A-4568
Cumberland Municipal Telephone System	A-4909
Kitley, The Rural Telephone Co. of, Ltd. (Supplement No. 1)	A-4529
Murray Brighton Telephone System (see Austin, D. S.)	A-4504
Mallorytown Telephone Co., Ltd	A-4695
Pefferlaw Telephone System, Ltd	A-4719
Stormont Telephone Co. (Sydney Arden)	A-4580
Scott, Everett R. (Arden & Parham Telephone System)	A-4720
Woodbridge & Vaughan Telephone Co., Ltd	A-4569

Service Station Agreements

Rama-Mara Telephone Co., Ltd	A-4742
Rankin Telephone Co	A-4850
Woodbridge & Vaughan Telephone Co., Ltd	A-4569

TARIFF OF FEES

Tariff of Fees Payable in Cash or Law Stamps under Sections 160 and 161 of "The Ontario Municipal Board Act, 1932."

For copy of any Document, 10 cents for each 100 words and 50 cents for each Certificate.

For copy of any map or plan, applicants are to pay draughtsmen's and engineer's fees for same and 50 cents for each Certificate.

In contentious matters, including arbitrations or references to the Board under Public General Acts of Ontario, requiring a Hearing, there shall be paid in Law Stamps the sum of $15.00 for each day or fraction thereof over one half-day, and the sum of $10.00 for each half-day or less occupied by or in connection with the Hearing, and $1.00 on each original subpoena.

In all other arbitrations or references requiring a Hearing there shall be paid in Law Stamps the sum of $50.00 for each day or fraction thereof over one half-day, and the sum of $25.00 for each half-day or less occupied by or in connection with the Hearing, and $1.00 on each original subpoena.

TARIFF OF FEES—Continued

In Cases in Which There Is No Opposing Party

On Order under Part V of "The Ontario Municipal Board Act, 1932," validating a By-law and Debentures, the following sums shall be paid in Law Stamps.

(These fees shall be payable on each group of four By-laws (grouped by serial numbers) consolidated under "The Local Improvement Act").

Where the issue of Debentures amounts to $10,000 or less			$15 00
Over $10,000 and up to		$15,000	20 00
" 15,000	"	20,000	25 00
" 20,000	"	25,000	30 00
" 25,000	"	30,000	35 00
" 30,000	"	40,000	40 00
" 40,000	"	50,000	45 00
" 50,000	"	60,000	50 00
" 60,000	"	70,000	55 00
" 70,000	"	80,000	60 00
" 80,000	"	90,000	65 00
" 90,000	"	100,000	70 00
" 100,000	"	110,000	75 00
" 110,000	"	120,000	80 00
" 120,000	"	130,000	85 00
" 130,000	"	140,000	90 00
" 140,000	"	150,000	95 00
" 150,000	"	160,000	100 00
" 160,000	"	170,000	105 00
" 170,000	"	180,000	110 00
" 180,000	"	190,000	115 00
" 190,000	"	200,000	120 00
" 200,000, such sum as the Board may order or direct.			

The following sums shall be paid in Law Stamps on the following Orders and Certificates:

Approval of By-law for work ordered by Dominion or Ontario Railway Board—Section 297 (2) (f) of "The Municipal Act"	$10 00
Approval of By-law authorizing expenditure for fire hall, fire engines, etc.—Section 27 of "The Municipal Amendment Act, 1931" (Chapter 50)	10 00
Approval of By-law for extension of Waterworks or Electric Light or Gasworks, etc.—Section 399 (2) of "The Municipal Act"	10 00
Approval of Increased Borrowings by Municipal Councils, Section 334 of "The Municipal Act," as re-enacted by Section 10, Chapter 37, Ontario Statutes, 1933	10 00
Approval of the undertaking of Local Improvement works and the passing of By-laws therefor, Section 8 of "The Local Improvement Act," as re-enacted by Section 2 of "The Local Improvement Amendment Act, 1932"	10 00
Approval of a plan under "The Railway Act"	5 00
Approval of Railway Fenders	5 00
Extension of time to pass a By-law—Section 288 (5) of "The Municipal Act"	5 00
Extension of Debenture Issue period—Section 296 (11) and (12) of "The Municipal Act"	5 00
Approval of Bridge Construction By-law—Section 297 (2) (e) of "The Municipal Act"	5 00
Approval of By-law changing the rate of interest on debentures—Section 300 of "The Municipal Act"	5 00
Repeal of By-law as to amount not required—Section 301 (2) of "The Municipal Act"	5 00
Approval of further debt and levies where tax rate too high—Section 306 (2) of "The Municipal Act"	5 00
Approval of Sinking Fund Investment By-law—Section 317 of "The Municipal Act"	5 00
Approval of Municipal Fuel By-law—Section 397 (38) of "The Municipal Act"	5 00
Approval of laying out of highway less than sixty-six feet in width—Section 490 of "The Municipal Act"	5 00
Approval of By-law abandoning part of local improvement work—Section 18 of "The Local Improvement Act"	5 00
Approval of By-law apportioning cost of local improvement work—Section 26 (3) of "The Local Improvement Act"	5 00
Approval of By-law authorizing license fee—Section 411 (9) of "The Municipal Act"	5 00
Approval of By-law for Unemployment Relief Works—Section 4 (2) of "The Unemployment Relief Act (Ontario)"	5 00
Except local improvement works, when fee is	15 00
Approval of By-law for Direct Relief Debentures, Section 8 of "The Unemployment Relief Act (Ontario), 1933"	5 00
Approval of plan of land subdivision	5 00
Approval of Railway Company's Public By-laws and Rules	2 00

TARIFF OF FEES—Continued

Approval of Railway Company's Tolls and Tariffs	$2 00
Approval of Railway Company's Examiner of Motormen	1 00

On Orders not included in the above list, such sums as the Board may order or direct.

Tariff of Fees Payable in Law Stamps in Proceedings Under "The Telephone Act"

On Order:

Authorizing the passing of a By-law extending the period for repayment of debentures to cover the cost of telephone system established pursuant to Section 19, beyond ten years; under Section 26	$10 00
Authorizing the extension of a telephone system established pursuant to Section 19, into unorganized townships; under Section 18	5 00
Approving a Municipal By-law, providing for the establishment or extension of telephone system; under Section 19	10 00
Extending the period within which Debenture By-law to cover cost of establishing a telephone system pursuant to Section 19 may be passed; under Section 25	10 00
Authorizing a Municipal Council to pass a By-law for reconstruction, etc.; under Section 27	5 00
Authorizing a Municipal Council to pass a By-law for the issue of debentures for furnishing service to persons not being assessed landowners; under Section 28	10 00
Authorizing the passing of a By-law providing for the issue of new debentures to provide for the payment of a portion of the principal of the original debentures falling due in any year; under Section 30	10 00
Approving the purchase of telephone systems; under Sections 31 and 102	5 00
Approving the appointment of Commissioner by Municipal Council; under Section 52	5 00
Prescribing date for holding Annual Meeting of Subscribers; under Section 59	5 00
Consenting to duplication of pole lead on highway; under Section 59	5 00
Approving Connecting Agreement with The Bell Telephone Company of Canada, Limited; under Section 97	5 00
Authorizing a Company to expend a portion of its Depreciation Reserve in new construction, etc.; under Section 110	5 00
Authorizing a Company to issue additional stock or bonds; under Section 111	10 00
Authorizing the removal of signatures from a petition, praying for the establishment of a telephone system pursuant to Section 19; under section 12	5 00
Granting the use of highways in unorganized townships; under Section 84	2 00
Approving the By-laws of a telephone company; under Section 88	2 00
Approving Connecting Agreement between telephone systems within the jurisdiction of Ontario; under Section 97	2 00
Approving regulations to prevent the misuse of system by subscribers; under Section 112	2 00
Approving Municipal By-law granting the use of highways; under Section 80	1 00

On any Order not included in the above list, such sums as the Board may order or direct.

In contentious matters requiring a Hearing, $15.00 for each day or fraction thereof occupied n connection with the Hearing, and $1.00 on each original subpoena.

Where inquiry is made by the Board's expert, $10.00 for each day or fraction thereof occupied in connection with such inquiry.

For copy of any Document, 10 cents for each 100 words, and 50 cents for each Certificate.

THE FOLLOWING GIVES A BRIEF SUMMARY OF THE EXTENSIONS AND IMPROVEMENTS MADE TO THE RAILWAYS UNDER PROVINCIAL JURISDICTION DURING THE YEAR 1933

Cornwall Street Railway, Light and Power Company, Limited

During the year December 31st, 1932, to December 31st, 1933, this Company report that they added to track one-third of a mile of siding at a cost of $4,505.03.

The Company also reports during the same period a total expenditure on track improvements, overhead structure, rolling stock, buildings, machinery, etc., of $3,166.66.

Fort William Electric Railway

It is reported that during the year ending December 31st, 1933, this Company did not make any extensions to track.

During the same period, however, it is reported that a total expenditure on track improvements, overhead structure, rolling stock, buildings, etc., was made of $1,607.92.

Hamilton Street Railway

During the year ending December 31st, 1933, it is reported that no extensions were made to track.

It is also reported that during the same period there was no expenditure made on track improvements, overhead structure, rolling stock, buildings, etc.

Hamilton and Barton Incline Railway Company

This Company report that they are not operating the Incline at present.

Huntsville and Lake of Bays Railway Company

This Company report that during the year ending December 31st, 1933, they did not make any extensions to track.

They also report a total expenditure of only $192.51 on track improvements, overhead structure, rolling stock, buildings, machinery, etc., the railway being operated only during the summer months.

Hydro-Electric Radial Railways

(Guelph Radial Railway)

It is reported by the Hydro-Electric Power Commission of Ontario that during the year ending December 31st, 1933, there were no extensions made to the track of the above railway.

It is also reported, however, that during the same period there was an expenditure made on track improvements, overhead structure, rolling stock, etc., of $1,200.00.

(Sandwich, Windsor and Amherstburg Railway, Essex Division)

The Hydro-Electric Power Commission of Ontario report that during the year ending December 31st, 1933, no extension was made to the track of the above railway.

The Commission also reports that during the same period no expenditure was made on track improvements, rolling stock, buildings, etc.

International Railway Company

(Niagara Falls Park and River Division)

This Division of the International Railway Company ceased operation the latter part of 1932.

International Transit Company

During the year ending December 31st, 1933, this Company report that they did not make any extension to track.

They also report that during the same period they did not make any expenditure on track improvements, overhead structure, rolling stock, buildings, machinery, etc.

Kitchener-Waterloo and Bridgeport Railways

It is reported that during the year December 31st, 1932, to December 31st, 1933, no extension was made to track.

During the same period it is reported that an expenditure was made on track improvements, rolling stock, etc., of $113.70.

London Street Railway Company

This Company report that during the year ending 31st December, 1933, they did not make any track extensions.

They report, however, that during the same period a total expenditure was made on busses and bus equipment of $37,399.83.

Midland-Simcoe Railway Company

During the year ending December 31st, 1933, it is reported that no extension was made to track.

It is also reported that during the same period no expenditure was made on track improvements, buildings, etc.

Mount McKay and Kakabeka Falls Railway Company

This railway company did not make any extensions to track during the year ending 31st December, 1933.

It is also reported that during the same period they did not make any expenditure on track improvements, overhead structure, buildings, etc.

Niagara Peninsular Railway

During the year ending 31st December, 1933, it is reported that this railway did not make any extension to track.

It is, however, reported that during the same period an expenditure was made on track improvements, overhead structure, rolling stock, buildings, etc., of $2,829.47.

North Yonge Railways

The Toronto Transportation Commission, which operates the above railway, reports that during the year ending December 31st, 1933, it did not make any extensions to track.

It also reports that during the same period it did not make any expenditure on track improvements, overhead structure, rolling stock, etc.

Port Arthur Civic Railway

During the year ending December 31st, 1933, it is reported that this railway did not make any extension to track.

It is reported, however, that during the same period an expenditure was made on track improvements, overhead structure, rolling stock, buildings, etc., of $12,526.85.

Sudbury-Copper Cliff Suburban Electric Railway

It is reported by this Company that during the year ending December 31st, 1933, no extension was made to track.

It is also reported during the same period that the Company did not make any expenditure on track improvements, overhead structure, rolling stock, etc.

Temiskaming and Northern Ontario Railway

It is reported by the Temiskaming and Northern Ontario Railway Commission that during the year December 31st, 1932, to December 31st, 1933, they did not make any extensions to the track of the Temiskaming and Northern Ontario Railway.

The Commission also reports that during the same period a total expenditure was made on track improvements, rolling stock, buildings, etc., of $4,126.15.

Thurlow Railway Company

During the year ending December 31st, 1933, it is reported that this Company did not make any extensions to track.

It is also reported that during the same period a total expenditure was made on track improvements, overhead structure, rolling stock, buildings, etc., of $3,489.34.

Tillson Spur Line Railway Company

It is reported that during the year ending 31st December, 1933, this Company did not make any extension to track.

During the same period it is reported that the Company did not make any expenditure on track improvements, overhead structure, buildings, machinery, etc.

The Toronto Transportation Commission

The Commission report that during the year December 31st, 1932, to December 31st, 1933, they made an extension to tracks at a cost of $2,823.48.

It is also reported that during the same period they made an expenditure on track improvements, overhead structure, rolling stock, buildings, machinery, etc., of $204,032.08.

Township of York and Weston Railways

The Toronto Transportation Commission, which operates the above railway, reports that no extension was made to the tracks during the year ending December 31st, 1933.

It is also reported that during the same period no expenditure was made on track improvements, overhead structure, rolling stock, buildings, etc.

Wentworth Incline Railway, Limited

It is reported by this Company that during the year ending December 31st, 1933, no extensions were made to track.

During the same period it is also reported that no expenditure was made on track improvements, overhead structure, rolling stock, machinery, etc.

ELECTRIC, STEAM AND INCLINE RAILWAYS UNDER PROVINCIAL JURISDICTION, YEAR ENDING 31ST DECEMBER, 1933—

No.	Name of Railway	Length of road first main track	Length of road second main track	Total main track	Length of sidings and turnouts	Total computed as single track	Length under construction	No. Power Houses		Remarks
								Steam	Water	
1	Cornwall Street Railway, Light and Power Co., Ltd.	5.	.....	5.	2.50	7.50	.....	.....	1	Power purchased from St. Lawrence Power Company, in case of emergency only.
2	Fort William Electric Railway.	4.935	19.695	24.630	.800	25.430	.....	.....	.....	Power purchased from Hydro-Electric Power Commission of Fort William.
†3	Guelph Radial	6.412	.....	6.412	2.094	8.506	.....	.....	.....	Power purchased from Light and Heat Commission, Guelph.
4	Hamilton Street Railway	18.	16.3	34.3	.....	34.3	.....	.....	.....	Power purchased from Hamilton Hydro-Electric System.
*5	Hamilton and Barton Incline	.12	.12	.24	.....	.24	.....	1	.....	At head of Incline. Company is not operating at present.
*6	Huntsville & Lake of Bays	1.45	.....	1.45	.31	1.76	.....	.....	.....	
†7	Hydro-Electric Radials (Essex Division), S.W. & A. Ry	47.069	12.729	59.798	5.772	65.570	.....	.....	.....	Power purchased from Hydro-Electric Power Commission of Ontario.
8	International Railway (Niagara Falls Park & River Division)	.....	.....	.....	.....	.....	.....	.....	.....	Ceased operation latter part of 1932.
9	International Transit Company	3.80	1.17	4.97	.09	5.06	.....	.....	.....	Power purchased from the Great Lakes Power Co., Ltd.
10	Kitchener-Waterloo & Bridgeport Railways	6.55	2.86	9.41	.94	10.35	.....	.....	.....	Power purchased from the Public Utilities Commission, Kitchener.
11	London Street Railway	15.84	7.03	22.87	.96	23.83	.....	.....	.....	Power purchased from The Public Utilities Commission.
*12	Midland-Simcoe Railway	1.	.....	1.	4.	5.	.....	.....	.....	
13	Mount McKay & Kakabeka Falls Railway	5.	.....	5.	1.50	6.50	.....	.....	.....	Leased to and operated by the City of Fort William.
*14	Niagara Peninsular Railway	3.325	.....	3.325	2.115	5.44	.....	.....	.....	
‡15	North Yonge Railways	10.342	.....	10.342	1.301	11.643	.....	.....	.....	Power purchased from Hydro-Electric Power Commission of Ontario.

16	Port Arthur Municipal Railway	13.43	6.10	19.53	1.04	20.57	.....	.....	.....	Power purchased from Electric Light & Power Department, Public Utilities Commission, Port Arthur (have one auxiliary power house).
17	Sudbury-Copper Cliff Suburban Electric Railway.....	7.9	.....	7.9	.30	8.2	.....	.....	.....	Power purchased from Hydro-Electric Power Commission of Ontario.
*18	Temiskaming and Northern Ontario Railway.....	531.69	1.7	533.39	143.15	676.54	.....	1	.....	North Bay, and one oil at Moosonee. Power purchased from Hydro-Electric Power Commission of Ontario, Northern Ontario Power Co., Ltd., Public Utilities Commission, Town of Cochrane, and Abitibi Power & Paper Co., Ltd.
*19	Thurlow Railway.....	2.671	.....	2.671	4.666	7.337	.....	.....	.....	Power purchased from Canada Cement Co.
20	Tillson Spur Line Railway....	1.010	.....	1.010	.051	1.061	.....	.....	.....	Rolling stock owned and operated by Canadian National Railway.
21	Toronto Transportation Commission.....	119.731	102.459	222.190	31.869	254.059	.....	.....	.....	Power purchased from the Toronto Hydro-Electric System.
‡22	Township of York and Weston Railways.....	8.063	6.002	14.065	.148	14.213	.....	.....	.....	Power purchased from the Toronto Transportation Commission.
§23	Wentworth Incline Railway, Ltd.....	.14	.14	.28	.....	.28	.....	.....	1	Electric, Mountain Top, Hamilton. Power purchased from Hamilton Hydro-Electric System.
	Total.....	813.478	176.305	989.783	203.606	1,193.389	.....	2	2	

*Steam railways.
§Formerly Hamilton Mountain Park Co., Ltd.
‡Operated by The Toronto Transportation Commission.
†Operated by Hydro-Electric Power Commission of Ontario.

TABULATED SUMMARY OF ACCIDENT REPORTS RECEIVED IN 1933

Passengers		Employees		Travellers on Highways		Travellers at Crossings		Trespassers		Total	
Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
..	721	...	16	11	98	....	....	....	....	11	835

TORONTO, 1933

Summary by months of all accidents on lines of the Toronto Transportation Commission from January 1st to December 31st, 1933

	January	February	March	April	May	June	July	August	September	October	November	December	Total
Collisions with cars	2	Nil	Nil	Nil	Nil	Nil	2	2	Nil	4	3	3	16
Collisions with autos	178	238	233	166	171	183	178	198	269	207	398	556	2,975
Collisions with motorcycles and bicycles	2	2	4	6	6	4	6	5	5	8	5	2	55
Collisions with wagons	5	7	4	7	5	5	5	4	2	6	7	9	66
Boarding cars	10	9	15	12	8	7	8	6	5	8	15	11	114
Alighting from cars	16	12	19	15	22	32	14	21	14	19	12	10	206
Falling within cars	26	19	39	21	39	33	23	25	30	16	32	34	337
Derailment of cars	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Miscellaneous	28	32	41	38	45	50	49	41	33	26	66	92	541
Total, all accidents	267	319	355	265	296	314	285	302	358	294	538	717	4,310
Personal injuries, all degrees:													
To passengers	39	28	42	34	43	69	41	51	45	43	56	60	551
To others	15	14	10	10	8	6	12	5	6	8	20	26	140
Total	54	42	52	44	51	75	53	56	51	51	76	86	691
Fatal Accidents:													
To passengers	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
To others	1	2	Nil	Nil	1	Nil	Nil	Nil	Nil	2	1	1	8
Total	1	2	Nil	Nil	1	Nil	Nil	Nil	Nil	2	1	1	8

HAMILTON, 1933

Summary by months of all accidents on the Hamilton Street Railway
From January 1st to December 31st, 1933

	January	February	March	April	May	June	July	August	September	October	November	December	Total
Collisions with cars	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Collisions with autos	80	39	26	25	38	29	47	30	24	38	46	46	468
Collisions with motorcycles and bicycles	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	3	1	Nil	1	6
Collisions with wagons	3	2	Nil	1	2	1	Nil	1	1	3	Nil	1	15
Boarding cars	1	1	Nil	Nil	Nil	1	Nil	Nil	Nil	Nil	Nil	1	4
Alighting from cars	1	Nil	1	Nil	1	Nil	1	Nil	Nil	Nil	Nil	Nil	4
Derailment of cars	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Miscellaneous	4	1	1	Nil	Nil	2	Nil	Nil	1	2	1	1	13
Total all accidents	90	43	28	26	41	33	48	31	29	44	47	50	510
Personal injuries, all degrees:													
To passengers	2	2	1	Nil	1	2	1	Nil	1	1	1	2	14
To others	6	2	1	6	1	1	Nil	Nil	1	2	Nil	Nil	20
Total	8	4	2	6	2	3	1	Nil	2	3	1	2	34
Fatal accidents:													
To passengers	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
To others	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Total	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

LONDON, 1933

Accidents on London Street Railway
From January 1st to December 31st, 1933

	January	February	March	April	May	June	July	August	September	October	November	December	Total
Collisions with cars	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Collisions with autos	20	27	20	16	18	9	14	14	17	21	46	52	274
Collisions with motorcycles and bicycles	1	Nil	Nil	Nil	Nil	Nil	2	Nil	Nil	Nil	Nil	Nil	3
Collisions with wagons	1	Nil	Nil	1	Nil	Nil	Nil	Nil	2	Nil	1	Nil	5
Boarding cars	1	Nil	Nil	1	2	1	1	Nil	2	1	1	5	15
Alighting from cars	Nil	1	Nil	Nil	1	2	3	1	1	1	2	Nil	12
Derailment of cars	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Miscellaneous	3	1	Nil	3	2	2	2	2	6	5	6	1	33
Total all accidents	26	29	20	21	23	14	22	17	28	28	56	58	342
Personal injuries, all degrees:													
To passengers	2	1	1	1	3	3	6	3	7	2	3	5	37
To others	1	2	Nil	3	3	2	1	1	3	4	5	1	26
Total	3	3	1	4	6	5	7	4	10	6	8	6	63
Fatal accidents:													
To passengers	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
To others	Nil	Nil	Nil	Nil	2	Nil	Nil	Nil	Nil	Nil	Nil	Nil	2
Total	Nil	Nil	Nil	Nil	2	Nil	Nil	Nil	Nil	Nil	Nil	Nil	2

INDEX TO RAILWAY LEGISLATION

The following Index has been made with the object of continuing in chronological order all the legislation passed by the Dominion and Provincial Governments since 1867, affecting railways situated wholly or partially within the Province of Ontario.

"List No. 2" was commenced on page 272 of our Ninth Annual Report (1914), and is continued on page 172 of our Twenty-fifth Annual Report (1930), on page 165 of our Twenty-sixth Annual Report (1931), on page 160 of our Twenty-seventh Annual Report (1932), and in the following list up to and inclusive of 1933.

	Chap.	Year
AN ACT TO AMEND THE RAILWAY ACT:		
Dominion Statute	47	1933
(Re authority to abandon operation of any line of railway		
ALGOMA CENTRAL AND HUDSON BAY RAILWAY COMPANY:		
Dominion Statute	56	1933
Act respecting.		
(Extension of time for construction and completion of portion of line of railway.)		
CANADIAN NATIONAL RAILWAYS:		
Dominion Statute	33	1933
Act respecting.		
(To provide for co-operation with Canadian Pacific Railway System, and for other purposes.)		
CANADIAN NATIONAL RAILWAYS:		
Dominion Statute	34	1933
Act respecting.		
(Authorizing provision of moneys to meet expenditures, 1933, and to authorize the making of loans and advances.)		
NIPISSING CENTRAL RAILWAY COMPANY:		
Dominion Statute	57	1933
Act respecting.		
(Extension of time for completion.)		
QUEBEC, MONTREAL AND SOUTHERN RAILWAY COMPANY:		
Dominion Statute	58	1933
Act respecting.		
(Sale of railway, etc., and distribution of assets authorized.)		
VANCOUVER, VICTORIA AND EASTERN RAILWAY AND NAVIGATION COMPANY, AND THE NORTHERN PACIFIC RAILWAY COMPANY:		
Dominion Statute	60	1933
(An Act to confirm an agreement between the Companies.)		
WINDSOR, ESSEX AND LAKE SHORE ELECTRIC RAILWAY ASSOCIATION:		
Ontario Statute	111	1933
Act respecting.		
(Stay of actions against municipalities, etc.)		

FORMS

FORM THAT MAY BE USED IN CONNECTION WITH THE EXAMINATION OF MOTORMEN

Name of City or Town

.....193 .

Name of Railway

This is to certify that, acting under "The Railway Act, 1927," R.S.O., Chapter 224, Section 265, I have fully examined the .....who is.....years of age and.....feet.....inches high, weighs.....lbs., complexion....., as to his fitness as a motorman, that the said..... .....is of steady habits, and is in physical ability, intelligence and general knowledge of, and experience in, this work qualified to act as motorman on any electric motor car of said Company.

I have been duly appointed an examiner under the said Act, my appointment being dated .....

Name.....
Examiner.

FORM TO BE USED BY COMPANIES IN REPORTING ACCIDENTS

Accidents: Regulations under and in pursuance of Sections 275 and 276 of "The Railway Act, 1927." R.S.O., Chapter 224.

Accidents.—Every company upon the happening of an accident shall give to the Ontario Railway and Municipal Board notice thereof in writing by delivering the same at the office of the Board in the City of Toronto or by mailing it, postage prepaid, in a registered letter addressed to the Board.

Such notice shall contain a statement signed by a duly authorized officer of such company, setting forth the information and particulars hereinafter mentioned.

Such statement shall be divided into paragraphs, each of which shall include and refer to one (or one group) only of the numbered particulars hereinafter mentioned, and the paragraph referring to each respective numbered particular shall bear the number corresponding to the number hereinafter given for each such particular.

The numbers of paragraphs and the particulars to which each shall refer as aforesaid are as follows:

1. Name or names of company or companies concerned in accident.
2. Numbers of train, engine, car or motor.
3. Date and time of accident.
4. Nature of accident.
5. Exact location.
6. Name in full, address and legal addition of each persons injured or killed.
7. Age.
8. Married or single.
9. Passenger, employee or other.
10. If employee, length and nature of service with dates and periods of different occupations (if more than one).
11. If employee, character, experience, skill and fitness with respect to occupation at time of accident.
12. How engaged at time of accident, and how long on duty.
13. Cause of accident, how same occurred, with full particulars and details, and diagram, if required.
14. Persons in charge, with full names, addresses and the particulars referred to in paragraphs 10, 11 and 12.
15. Result to person and particulars of injury.
16. Result to property, including amount of damage.
17. Names and addresses of all persons present at, or eye witnesses of, the accident.
18. What investigation (if any), and result of same.
19. Verdict (if any).

The Board reserves the right to require such further and other details, particulars, maps, plans, profiles, documents, models and information or illustration of any kind as to the nature of the accident and a full understanding thereof may suggest or require.

In pursuance of Sections 275 and 276 of said Act, the Board declares that all such information so given in pursuance of this regulation shall be privileged.

Signature of Officer.

N.B.—Give name of officer who fills out this report.

REGULATIONS

REGULATION AS TO HEIGHT OF CAR STEPS

Under and in pursuance of a certain order of the Board bearing date the 2nd day of June, A.D. 1909, The Ontario Railway and Municipal Board made the following regulations:

The steps on all cars hereafter constructed and used by The Toronto Railway Company and all other street and electric railways under the jurisdiction of this Board shall have steps conforming to the following regulations:

On closed single truck cars the height of the first step above the ground shall not be less than twelve nor more than fifteen inches.

On closed double truck cars the height of the first step above the ground shall not be less than fourteen nor more than sixteen inches.

On open single truck cars the height of the first step above the ground shall be not less than twelve nor more than fifteen inches, and the distance between the first and second steps and the second step and the floor of the car shall measure twelve inches and nine inches respectively.

On open double truck cars, the height of the first step above the ground shall be not less than fourteen nor more than sixteen inches, and the distance between the first and second steps and the second step and the floor of the car shall measure twelve inches and fourteen inches respectively.

REGULATION RE DRINKING WATER ON PASSENGER CARS

Every Electric Railway Company in Ontario, subject to the jurisdiction of the Board, shall provide in each passenger car which runs 20 miles or more, a suitable receptacle for water with paper cups attached upon or near such receptacle, and shall keep such receptacle, while the car is in use, constantly supplied with cool drinking water for the use of passengers and the conductor and motorman in charge of such car.

This regulation shall not apply to street railways in towns or cities.

(Sgd.) C. R. McKeown,
Chairman.
(Sgd.) A. B. Ingram,
Vice-Chairman.
(Sgd.) J. A. Ellis,
Commissioner.

Dated at Toronto, this 10th day of April, A.D. 1928.

WENTWORTH INCLINE RAILWAY, LIMITED

BALANCE SHEET AS AT DECEMBER 31st, 1933

Assets

Current			$191,653 54	
Cash on Hand		$ 189 04		
Balance in Bank		2,149 38		
Savings Account	$1,986 61			
Current Account	162 77			
	$2,149 38			
Conductors' Loan Accounts		50 00		
Accounts Receivable		182 55		
Bonds and Stocks at Cost		188,459 77		
Prepaid Expense		622 80		
		$191,653 54		
Invested			45,027 14	
Plant and Equipment, Road Bed, etc.		$114,409 22		
Buildings		9,500 00		
Land		26,078 25		
		$149,987 47		
Less: Reserve for Depreciation		104,960 33		
		$45,027 14		

Liabilities

Current				$725 00
Accounts Payable		$375 00		
Tickets Outstanding Reserve		350 00		
		$725 00		
Shareholders				235,955 68
Capital Stock		$27,800 00		
Special Reserve		46,891 56		
Profit and Loss Account		161,264 12		
		$235,955 68		
			$236,680 68	$236,680 68

Subject to letter dated February 7th, 1934.
EMW/EM—7/2/34

WENTWORTH INCLINE RAILWAY, LIMITED

PROFIT AND LOSS ACCOUNT FOR YEAR ENDED DECEMBER 31ST, 1933

EARNINGS:			
Ticket Sales, Passengers, Freight, etc.			$17,196 31
DIVIDENDS AND INTEREST RECEIVED			3,156 25
EXPENSES		$27,877 89	
Fuel, Power and Light	$1,611 03		
General Expense, Taxes, Directors' Fees and Salary	4,237 57		
Insurance	661 19		
Insurance Claim	220 00		
Oil and Waste	86 86		
Repairs	194 43		
Wages	14,908 85		
Depreciation	5,957 96		
	$27,877 89		
NET LOSS FOR PERIOD			7,525 33
		$27,877 89	$27,877 89

PROFIT AND LOSS SUMMARY

Balance—January 1st, 1933		$168,463 57
Insurance Reserve written off		2,110 50
Operating Loss for year 1933	$7,525 33	
Ontario Companies Tax Paid	116 62	
Dividends paid 1933	1,668 00	
Balance per Balance Sheet	161,264 12	
	$170,574 07	$170,574 07

Subject to letter dated February 7th, 1934.
EMW/EM—7/2/34

ANALYSIS OF GROSS EARNINGS AND MISCELLANEOUS INCOME FOR YEAR ENDING DECEMBER 31ST, 1933

Name of Railway	From Passengers	From Mail	From Express Parcels and Newspapers	From Freight	From rental of track, buildings, and other property	From Advertising	From other miscellaneous sources	Total
Cornwall Street Railway	$48,774 95	.....	.....	$52,765 46	.....	$775 00	$627 27	$102,942 68
Fort William Electric Railway	115,834 59	$900 00	.....	.....	.....	238 20	1,056 60	118,029 39
Hamilton Street Railway	767,197 98	9,000 00	.....	2,904 85	$42 00	2,323 78	850 97	782,319 58
Huntsville & Lake of Bays Railway	720 40	35 00	.....	857 84	.....	.....	.....	1,613 24
Hydro-Electric Railways (Sandwich, Windsor and Amherstburg)	477,640 15	2,519 72	2,468 31	1,838 09	607 69	4,011 22	119 44	489,204 62
Hydro-Electric Railways (Guelph)	49,179 36	.....	.....	8,640 94	266 64	314 99	.....	58,401 93
International Transit	32,100 15	400 00	.....	.....	.....	.....	445 92	32,946 07
Kitchener & Waterloo Street Railway	84,308 11	4,505 26	30 40	.....	1,056 25	1,027 50	2,524 00	93,451 52
London Street Railway	462,841 47	3,000 00	.....	.....	228 00	3,084 00	1,237 96	470,391 43
Mount McKay & Kakabeka Falls Railway	Line operated	by Corpor	ation of Fo	rt William	under lease.			
Niagara Peninsular Railway	.....	.....	.....	12,075 00	.....	.....	.....	12,075 00
Port Arthur Civic Railway	126,461 47	.....	.....	.....	.....	565 44	762 62	127,789 53
Sudbury-Copper Cliff Suburban Railway	45,976 33	.....	44 87	.....	180 00	180 00	69 43	46,450 83
Thurlow Railway	.....	.....	.....	3,715 00	.....	.....	.....	3,715 00
Tillson Spur Line Railway	All rolling sto	ck owned a	nd operate	d by C.N.	R.			
Toronto Transportation Commission	9,919,249 02	.....	10,677 92	.....	96,828 92	91,124 19	23,471 57	10,141,351 62
" " " North Yonge Ry.	70,330 38	.....	.....	.....	1,356 81	183 52	62 14	71,932 85
" " " Twp. of York Ry.	206,165 38	.....	.....	.....	.....	347 37	169 08	206,681 83
Wentworth Incline Railway	See statemen	t						

TABULATION OF CAR MILES RUN, PASSENGERS CARRIED, ACCIDENTS, ETC., FOR YEAR ENDING DECEMBER 31ST, 1933

Name of Railway	Length of track owned, miles	Length of switches and sidings miles	Passenger car miles run	Passengers carried per mile of main track owned	Accidents		Number of men employed	Passenger Cars			Other				Service Cars				Miscellaneous		Passengers Carried
					Killed	Injured		Enclosed Cars	Open Cars	Trailers	Baggage and mail	Cattle and box	Platform cars	Coal and dump	Tool	Snow sweepers	Snow plows	Landing cranes	Locomotives	Refrigerator	
Cornwall Street Railway	5.	2.50	341,306	228,255	...	...	37	14	...	...	...	...	...	...	...	2	1	...	3	...	1,141,378
Fort William Street Railway	18.916	6.580	697,666	.....	...	6	.....	18	...	5	...	...	...	...	..	1	2	...	...	...	2,057,575
Hamilton Street Railway	34.3	.....	3,838,596	.....	...	91	345	82	...	...	...	...	...	...	...	4	...	...	...	...	11,900,637
Huntsville & Lake of Bays Railway	1.438	.312	.....	4,803	...	...	3	...	...	3	2	...	...	...	...	...	...	...	...	3	4,803
Hydro-Electric Railways (Sandwich, Windsor and Amherstburg)	56.418	5.052	2,330,825	113,371	1	51	216	62	...	1	2	3	4	...	2	1	...	...	...	...	6,891,237
Hydro-Electric Railways (Guelph Radial)	2.094	8.506	844,618	104,432	...	2	34	7	...	...	...	...	...	...	...	1	...	...	1	...	332,648
International Transit	4.97	.09	208,118	201,732	...	2	19	9	...	...	...	...	...	...	...	1	...	...	...	...	647,422
Kitchener & Waterloo Street Railway	9.41	.94	311,704	217,534	...	...	31	...	...	...	...	...	...	...	...	...	...	...	...	...	2,046,999
London Street Railway	22.87	.96	*2,442,844	.....	1	52	189	32	5	...	...	...	...	...	...	2	...	...	...	...	*8,282,454
Mount McKay & Kakabeka Falls Railway	.5	1.5	Line operated by City of Fort William under lease.																		
Niagara Peninsular Railway	3.325	2.115	.....	.....	...	...	4	...	...	...	...	...	1	59	...	...	...	...	2	...	.....
Port Arthur Civic Railway	19.53	1.04	603,970	108,583	...	...	.....	12	...	...	...	...	...	...	...	...	1	...	...	...	2,120,632
Sudbury-Copper Cliff Suburban Railway	7.9	.....	.....	.....	...	...	.....	...	...	...	...	...	...	...	...	...	...	...	...	...	.....
Thurlow Railway	2.671	4.666	.....	.....	...	...	5	...	...	...	...	...	2	37	...	...	...	...	5	...	.....
Tillson Spur Line Railway	1.010	.051	All rolling stock owned and operated by Canadian National Ry.																		
Toronto Transportation Commission	222.190	31.869	26,150,760	.....	9	713	3,647	728	...	225	...	...	...	...	...	28	10	...	...	...	150,861,647
Toronto Transportation Commission:																					
North Yonge Street Railway	10.342	1.301	264,704	Railway operated with trolling stock of T.											T.	C.	...	...	...	...	829,062
Township of York Railway	14.065	.148	637,129	Railway operated with trolling stock of T.											T.	C.	...	...	...	...	4,217,478
Wentworth Incline Railway	See statement.																				

*Includes busses.

TABULATION OF COMPARISON WITH PREVIOUS YEARS AS TO CAR MILES RUN, PASSENGERS CARRIED, ETC.

FOR YEAR ENDING DECEMBER 31ST, 1933

Name of Railway	Length of Track		Car Miles Run		Passengers Carried		Accidents				Net Earnings	
							Killed		Injured			
	Increase	Decrease	Increase	Decrease	Increase	Decrease	Increase	Decrease	Increase	Decrease	Increase	Decrease
Cornwall Street Railway	.....	.....	21,733	.....	.....	78,347	.....	.....	.....	.....	15,873 49	.....
Fort William Street Railway	.....	.....	.....	43,035	.....	236,606	.....	.....	3	.....	(b)4,434 34	.....
Hamilton Street Railway	.....	.....	1,034,130	.....	.....	4,155,014	.....	1	.....	50	.....	136,792 02
Huntsville and Lake of Bays Railway	.....	.....	.....	.....	1,591	.....	.....	.....	.....	.....	383 46	.....
Hydro-Electric Railways (Sandwich, Windsor and Amherstburg)	.....	.....	.....	5,283	.....	1,087,640	1	.....	3	.....	.....	5,740 76
Hydro-Electric Railways (Guelph Radial)	.....	.....	.....	2,218	.....	77,464	.....	.....	.....	4	.....	1,775 49
International Transit	.....	.19	.....	23,997	.....	119,159	.....	.....	2	.....	.....	15,712 49
Kitchener & Waterloo Street Railway	.....	.....	.....	35,208	.....	235,954	.....	.....	1	.....		7,108 18
London Street Railway	.....	.....	.....	.....	.....	.....	.....	.....	.....	23	.....	(a)4,033 09
Mount McKay & Kakabeka Falls Railway	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	(b)291 99	.....
Niagara Peninsular Railway	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,936 06
Port Arthur Civic Railway	.....	.....	447	.....	.....	107,112	.....	1	1	.....	.....	(a)3,887 64
Sudbury-Copper Cliff Suburban Railway	.....	.....	150	.....	.....	7,635	.....	.....	.....	.....	.....	3,887 59
Thurlow Railway	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	(a)2,668 91
Tillson Spur Line Railway	All roll	ing sto	ck owned	and ope	rated by	Canadian	Natio	nal Ry.				
Toronto Transportation Commission	.....	.015	.....	1,288,072	.....	14,413,540	.....	3	.....	488	.....	1,505,87
Toronto Transportation Commission:												
North Yonge Street Railway	.....	.118	.....	33,222	.....	87,170	.....	.....	.....	1	.....	3,332 14
Township of York Railway	.....	.....	.....	76,319	.....	639,920	.....	.....	.....	1	.....	(a)12,722 92
Wentworth Incline Railway	See St	atemen	t.									

(a) Increase in deficit.
(b) Decrease in deficit.

TABULATION OF OPERATING COSTS FOR YEAR ENDING DECEMBER 31ST, 1933

Name of Railway	General Expenses	Maintenance of Roadbed and Buildings	Maintenance Equipment	Motive Power	Wages	Damage to Persons and Property	Miscellaneous	Total
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
Cornwall Street Railway	9,326 04	3,700 75	9,827 69	3,433 20	24,892 17	60 45	984 48	52,224 78
Fort William Electric Railway	13,235 50	16,494 79	20,025 24	24,648 33	53,448 31	1,122 36	4,467 40	133,441 93
Hamilton Street Railway	41,928 39	43,802 26	94,510 03	137,597 25	226,838 17	34,390 66	132,280 94	711,347 70
Huntsville and Lake of Bays Railway	124 54	85 00	107 51	.....	229 75	.....	202 03	748 83
Hydro-Electric Railways (Sandwich, Windsor & Amherstburg)	57,094 39	48,692 74	81,772 52	90,306 17	167,950 95	26 48	19,131 27	494,754 62
Hydro-Electric Railways (Guelph Radial)	13,464 32	6,829 62	15,832 38	9,620 90	20,292 38	1 90	3,957 88	69,999 38
International Transit	5,530 36	2,231 36	4,351 05	7,630 00	10,642 97	.....	4,573 32	34,959 06
Kitchener & Waterloo Street Railway	11,013 91	4,799 46	2,421 77	10,767 17	42,307 62	1 62	2,948 77	74,260 32
London Street Railway	15,239 07	23,435 39	24,597 99	32,573 82	72,005 78	7,087 92	219,944 10	*394,884 07
Mount McKay & Kakabeka Falls Railway	Line operated by City of Fort William under lease.							
Niagara Peninsular Railway	150 00	1,927 74	901 73	.....	1,850 02	.....	1,091 44	5,920 89
Port Arthur Civic Railway	10,020 89	13,413 84	16,418 05	19,999 92	43,125 74	.....	8,205 83	111,184 27
Sudbury-Copper Cliff Suburban Railway	5,366 17	2,903 96	3,400 46	8,833 30	16,017 02	.....	3,617 96	40,138 87
Thurlow Railway	150 00	3,187 18	302 16	.....	856 00	.....	361 61	4,856 95
Tillson Spur Line Railway	All rolling stock owned and operated by Canadian National Ry.							
Toronto Transporation Commission	486,410 86	336,691 11	506,510 25	982,518 02	2,805,833 08	47,326 92	939,692 82	6,104,983 06
Toronto Transporation Commission:								
North Yonge Street Railways	7,812 24	6,867 71	5,762 97	18,404 88	.....	.....	33,709 73	72,557 53
Township of York Railway	15,072 37	8,883 10	12,372 06	35,170 65	.....	.....	101,746 06	173,244 24
Wentworth Incline Railway	See statement.							

*Includes bus operation.

TABULATION OF CHARGES OTHER THAN OPERATING COSTS FOR YEAR ENDING DECEMBER 31st, 1933

Name of Railway	Interest on Funded Debt	Interest or Discount on Unfunded Debt	Taxes	Transfer to Special Accounts	All Charges other than Operating Costs	Total Expenditure including Operating Costs	Total Expenditure excluding Operating Costs	Total Revenue from all sources	Net Deficit from Year's Operations	Net Surplus from Year's Operations
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
Cornwall Street Railway	9,100 00	.....	2,128 03	20,000 00	31,356 74	(a)63,581 52	(a)11,356 74	103,992 68	.....	20,411 16
Fort William Street Railway	44,830 00	.....	.....	18,594 82	63,424 82	(a)178,271 93	(a)44,803 00	118,029 39	74,349 55	.....
Hamilton Street Railway	.....	.....	56,190 44	.....	56,190 44	767,538 14	56,190 44	782,319 58	.....	14,781 44
Huntsville and Lake of Bays Railway	.....	.....	88 32	.....	88 32	837 15	88 32	1,613 24	.....	776 09
Hydro-Electric Railways (Sandwich, Windsor & Amherstburg)	292,068 41	.....	2,409 95	144,226 04	440,658 17	(a)791,186 65	(a)296,432 13	489,204 62	446,208 07	.....
Hydro-Electric Railways (Guelph Radial)	26,700 00	.....	353 91	3,159 00	29,005 47	(a)97,053 29	(a)27,053 91	59,609 37	40,602 92	.....
International Transit	.....	1,456 67	2,841 76	10,011 70	14,310 13	(a)39,257 49	(a)4,298 43	41,305 64	7,963 55	.....
Kitchener & Waterloo Street Railway	.....	9,781 49	436 71	16,081 18	26,299 38	(a)84,478 52	(a)10,218 20	93,451 52	7,108 18	.....
London Street Railway	28,422 42	1,633 41	7,907 77	71,680 00	109,223 76	(a)432,847 67	(a)37,963 60	470,391 43	34,136 24	.....
Mount McKay & Kakabeka Falls Railway	.....	.....	344 91	21,230 83	22,397 68	(a)1,148 85	(a)1,148 85	2,311 04	20,068 64	.....
Niagara Peninsular Railway	.....	.....	33 25	.....	33 25	5,954 14	33 25	12,075 00	.....	6,120 86
Port Arthur Civic Railway	22,057 03	.....	115 23	9,830 22	32,002 48	(a)133,241 30	(a)22,172 26	127,789 53	15,281 99	.....
Sudbury-Copper Cliff Suburban Railway	4,500 00	3,200 00	913 85	.....	8,613 85	48,752 72	8,613 85	46,450 63	2,302 09	.....
Thurlow Steam Railway	.....	.....	26 71	12,137 09	17,163 80	(a)9,883 66	(a)5,026 71	3,715 00	18,305 75	.....
Tillson Spur Line Railway	All rolling sto	ck owned a	nd operated	by Canadian	National Rl	y.				
Toronto Transportation Commission	1,754,280 99	.....	193,751 02	2,215,373 23	4,186,759 16	(a)8,076,368 99	(a)1,971,385 93	10,293,212 46	.....	1,470 24
Toronto Transportation Commission:										
North Yonge Street Railway	.....	.....	79 79	.....	79 79	72,637 32	79 79	71,932 85	704 47	.....
Township of York Railway	50,649 05	12,368 75	.....	87,360 77	150,378 57	(a)236,262 04	(a)63,017 80	215,805 34	107,817 47	.....
Wentworth Incline Railway	See statement									

(a) Does not include transfer to special accounts.

TABULATION OF ASSETS AND LIABILITIES AS OF DECEMBER 31ST, 1933

Name of Railway	Authorized Capital Stock	ASSETS			LIABILITIES				
		Cost of Railway Equipment, Land and Buildings	Cash and other Assets	Deficit	Capital Stock outstanding	Funded Debt	Current Liabilities	Accrued Liabilities Sinking and other Special Funds	Surplus
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
Cornwall Street Railway	200,000 00	442,363 29	17,046 65	.....	200,000 00	130,000 00	4,692 66	94,629 76	30,087 52
Fort William Electric Railway	.....	864,000 00	577,401 37	21,943 75	.....	864,000 00	.....	599,345 12	.....
Hamilton Street Railway	3,205,000 00	4,777,945 79	88,241 45	.....	3,205,000 00	.....	750,872 63	878,993 81	31,320 80
Huntsville and Lake of Bays Railway	27,800 00	31,331 20	9,790 07	.....	27,800 00	.....	2,021 18	10,524 00	776 09
Hydro-Electric Railways (Sandwich, Windsor and Amherstburg)	.....	5,469,770 38	1,867,570 49	80,048 14	.....	6,816,205 00	41,741 67	559,442 34	.....
Hydro-Electric Railways (Guelph Radial)	.....	444,350 79	69,845 87	4,744 18	.....	368,143 95	2,882 91	147,913 98	.....
International Transit	150,000 00	640,185 30	13,123 48	.....	150,000 00	.....	25,818 23	312,031 36	165,459 19
Kitchener-Waterloo Street Railway	.....	513,631 63	40,490 48	7,088 18	.....	169,824 24	801 15	390,584 90	.....
London Street Railway	750,000 00	1,369,756 33	69,989 43	93,109 24	637,480 00	460,000 00	59,045 44	8,809 00	367,520 56
Mount McKay & Kakabeka Falls Railway	500,000 00	147,709 91	64,108 52	212,336 34	386,300 00	.....	.....	37,854 77	.....
Niagara Peninsular Railway	50,000 00	55,550 88	97,067 65	.....	50,000 00	.....	.....	.....	102,618 53
Port Arthur Civic Railway	.....	584,028 33	513,157 47	.....	.....	504,634 00	30,197 88	542,572 10	19,781 82
Sudbury-Copper Cliff Suburban Railway	173,100 00	359,660 80	2,381 59	31,212 26	173,100 00	115,000 00	26,811 18	78,343 47	.....
Thurlow Railway	25,000 00	70,852 46	.....	62,449 19	25,000 00	.....	108,301 65	.....	.....
Tillson Spur Line	All rolling stock owned and operated by Canadian National Railways.								
Toronto Transportation Commission	.....	51,407,736 12	6,258,387 54	.....	.....	31,318,759 76	519,114 37	25,286,525 81	541,713 72
Toronto Transportation Commission:									
North Yonge Street Railway	.....	107,549 10	961 40	704 47	.....	.....	109,214 97	.....	.....
Township of York Railway	.....	1,382,405 60	.....	.....	.....	996,533 64	293,965 35	579,815 05	.....
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